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U.S. Dept. of the Interior (Patent Office)

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## RULES OF PRACTICE

IN THE

# UNITED STATES PATENT OFFICE.

REVISED NOVEMBER 16, 1885.

6754

15.4  
Case.

M. L. W.

KF3120  
.A39R8  
1885a

General revision December 1, 1879, to take effect January 1, 1880.

First revised edition September 1, 1880, under which Rules 20, 30, 31, 89, par. (1) of 50, 55, 94, 101, 111, 116, 117, 118, 119, 120, 134, 144, 160, 171, and 209 were amended.

Second revised edition April 15, 1882, under which Rules 39, 46, 85, 86, 94,\* 124, and 171 were amended, and forms 17 and 18 consolidated and amended as form 17.

Third revised edition February 1, 1883, under which Rules 20, 26, 39, 47, and 59 were amended, and notes \* \* inserted at bottom of pages 9 and 17.

Fourth revised edition November 15, 1883, under which Rules 20, 26, and 165 were amended.

Fifth revised edition March 1, 1884, under which Rules 26, 62, and 209, and form 37, were amended.

Sixth revised edition, August 12, 1884, under which Rules 35, 67, 137, and 138 were amended.

Seventh revised edition, March 3, 1885, under which Rules 53, 94, 97, 102, 104, 105, 106, 107, 116, 119, 126, 157, and 171 were amended.

Eighth revised edition, November 16, 1885, under which Rules 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 47, 86, 140, 144, and 145 were amended.

\*NOTE.--The amended form of Rule 94 necessitates the following changes: In Rule 74 omit the final clause, to wit: "except upon interference, as provided in Rule 94." In Rule 77, second line, insert "94" after the word "Rules."



# RULES OF PRACTICE

## IN THE

# UNITED STATES PATENT OFFICE.

REVISED NOVEMBER 16, 1885.

The following regulations, designed to be in strict accordance with the revised statutes relating to the grant of patents for inventions, are published for gratuitous distribution. Marginal references to corresponding provisions of the revised statutes, and of the rules of 1878, are given for the convenience of the public and of the office.

Rev. Stat. sec.  
481, 483, 489.

Marginal references.

The observance of the appended forms, in all cases to which they may be applicable, is recommended to inventors and attorneys.

Observance of forms recommended.

Printed copies of the revised statutes relating to the grant of patents may be obtained on application to the Commissioner.

Printed copies of statutes furnished.

M. V. MONTGOMERY,  
*Commissioner of Patents.*

### CORRESPONDENCE.

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding, in relation to which there is disagreement or doubt.

1878—130, 133.  
Business to be transacted in writing.

2. All office letters must be sent in the name of the "Commissioner of Patents." All letters and other communications intended for the office must be addressed to him; if addressed to any of the other officers they will ordinarily be returned.

1878—119.  
Correspondence to be in the name of the Commissioner.

3. Express charges, freight, postage, and all other charges on matter sent to the patent office must be prepaid in full; otherwise it will not be received.

1878—112.  
All charges to be prepaid.

4. The personal attendance of applicants at the patent office is unnecessary. Their business can be transacted by correspondence.

1878—30.  
Personal attendance of applicants unnecessary.



1878—191, 120.  
Correspondence  
with assignees.

5. The assignee of the entire interest of an invention is entitled to hold correspondence with the office to the exclusion of the inventor.

1878—30, 101.  
Correspondence  
with inventor  
and assignee.  
1878—30.

6. Where there has been an assignment of an undivided part of an invention, the inventor and the assignee will both be recognized as the proper parties to hold correspondence with the office, and all amendments and other actions in such cases must be signed by both parties; but official letters will be sent in such case to the post-office address of the inventor, unless he shall otherwise direct.

1878—120.  
Correspondence  
with attorney.

7. When an attorney shall have filed his power of attorney, duly executed, the correspondence will be held with him.

1878—120.  
Double corre-  
spondence.

8. A double correspondence with the inventor and an assignee, or with a principal and his attorney, or with two attorneys, cannot generally be allowed.

Separate let-  
ters.  
1878—119.

9. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. Assignments for record, final fees and orders for copies or abstracts must be sent to the office in separate letters.

Letters relating  
to applications.  
1878—119.

10. When a letter concerns an application, it should state the name of the applicant, the title of the invention, the serial number of the application (see Rule 31), and the date of filing the same.

Letters relating  
to patents.

11. When the letter concerns a patent, it should state the name of the patentee, the title of the invention, and the number and date of the patent.

Protests.

12. No attention will be paid to *ex parte* statements or protests of persons concerning pending applications to which they are not parties, unless information of the pendency of such applications shall have been voluntarily communicated by the applicants.

Answers to let-  
ters and tele-  
grams.

13. Letters received at the office will be answered, and orders for printed copies filled, without unnecessary delay. Telegrams, if not received before 3 o'clock p. m., cannot ordinarily be answered until the following day.

### INFORMATION TO CORRESPONDENTS.

1878—129.  
Subjects on  
which informa-  
tion cannot be  
given.

14. The office cannot respond to inquiries as to the novelty of an alleged invention in advance of an application for a patent, nor to inquiries propounded with a view of ascertaining whether any alleged improvements have been patented, and, if so, to whom; nor can it act as an expounder of the patent law, or as counselor for individuals, except as to questions arising within the office.

Of the propriety of making an application for a patent,



the inventor must judge for himself. The office is open to him, and its records and models pertaining to all patents granted may be inspected either by himself or by any attorney or expert he may call to his aid, and its reports are widely distributed. (See Rule 210.) Further than this the office can render him no assistance until his case comes regularly before it in the manner prescribed by law. A copy of the rules, with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the office. Examiners' digests are not open to public inspection.

1878-120,  
Rev. Stat. sec.  
475, 481, 484, 488;  
Records and  
models open to  
inventors.

15. Caveats and pending applications are preserved in secrecy. No information will be given, without authority, respecting the filing by any particular person of a caveat or of an application for a patent or for the reissue of a patent, the pendency of any particular case before the office, or the subject-matter of any particular application, unless it shall be necessary to the proper conduct of business before the office, as provided by Rules 97, 102, and 120. (See Rule 171.)

Examiners' di-  
gests.

1878-124, 127,  
128,  
Caveats and  
pending applica-  
tions kept in se-  
crecy.  
Rev. Stat. sec.  
4902.

16. After a patent has issued the model, specification, drawings, and all documents relating to the case are subject to general inspection, and copies, except of the model, will be furnished at the rates specified in Rule 200.

Rev. Stat. sec.  
475, 481, 484, 488;  
1878-125, 126,  
Records and  
copies in pat-  
ented cases.

### ATTORNEYS.

17. Any person of intelligence and good moral character may appear as the agent or the attorney in fact of an applicant, upon filing a proper power of attorney. As the value of patents depends largely upon the careful preparation of the specifications and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant; but the value of their services will be proportionate to their skill and honesty, and too much care cannot be exercised in their selection. The office cannot assume responsibility for the acts of attorneys, nor can it assist applicants in making selections. It will, however, be unsafe to trust those who pretend to the possession of any facilities except capacity and diligence for procuring patents in a shorter time or with broader claims than others.

1878-181.  
Attorneys.

Office cannot  
aid in selection.

18. Before any attorney, original or associate, will be allowed to inspect papers or take action of any kind his power of attorney must be filed. No power of attorney purporting to have been given to a firm or copartnership will be recognized, either in favor of the firm or of any of its members, unless all its members shall be named in such power of attorney.

1878-183.  
Power of attor-  
ney.

Copartners.

19. Substitution or association can be made by an attorney upon the written authorization of his principal; but such

1878-182.  
Substitution  
and association.



authorization will not empower the second agent to appoint a third.

1878—121.  
Revocation.

20. Powers of attorney may be revoked at any stage in the proceedings of a case upon application to and approval of the Commissioner; and when so revoked the office will communicate directly with the applicant, or such other attorney as he may appoint. Attorneys will be promptly notified by the examiner in charge of the case, of the revocation of their powers of attorney. An assignment of an undivided interest will not operate as a revocation of the power previously given, but the assignee of the entire interest may be represented by an attorney of his own selection.

1878—133.  
Attorneys' room.  
Personal interviews with examiners.

21. Parties or their attorneys will be permitted to examine their cases in the attorneys' room, but not in the rooms of the examiners. Personal interviews with examiners will be permitted only as hereinafter provided. (See Rules 147, 148.)

Rev. Stat. sec. 487.  
1878—134.  
Decorum and courtesy in business.  
Complaints against examiners.

22. Attorneys will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will ordinarily be returned. Complaints against examiners and other officers must be made in separate communications and will be promptly investigated. For gross misconduct the commissioner may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons for such refusal will be duly recorded and be subject to the approval of the Secretary of the Interior.

Refusal to recognize agents.

1878—135.

Services of senators and representatives.

23. Inasmuch as applications cannot be examined out of their regular order, except in accordance with the provisions of Rule 62, and members of congress can neither examine nor act in patent cases without written powers of attorney, applicants are advised not to impose upon senators or representatives labor which will consume their time without any advantageous results.

#### APPLICANTS.

Rev. Stat. sec. 4886.  
1878—1. 4.

24. A patent may be obtained by any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned; and by any person who, by his own industry, genius, efforts, and expense, has invented and produced any new and original design for

Rev. Stat. sec. 4886.

Applicants.

Rev. Stat. sec. 4929.  
1878—79.



a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known nor used by others before his invention or production thereof, nor patented nor described in any printed publication, upon payment of the fees required by law and other due proceedings had. (See Rules 78 to 83.)

25. In case of the death of the inventor, the application may be made by, and the patent will issue to, his executor or administrator. In such case the oath will be made by the executor or administrator.

Executors and administrators.

Rev. Stat. sec. 4893.  
1878-2.

26. In case of an assignment of the whole interest in the invention, or of the whole interest in the patent to be granted, the patent will, upon request of the applicant, issue to the assignee; and if the assignee hold an undivided part interest, the patent will, upon like request, issue jointly to the inventor and the assignee; but the assignment in either case must first have been entered of record, and at a day not later than the date of the payment of the final fee; and if it be dated subsequently to the execution of the application, it must give the date of execution of the application, or the date of filing, or the serial number, so that there can be no mistake as to the particular invention intended. The application and oath must be made by the actual inventor, if alive, even if the patent is to issue to an assignee. If the inventor be dead, it may be made by the executor or administrator.

Rev. Stat. sec. 4895.  
1878-2, 109.  
Patents to assignees.

To inventors and assignees jointly.

27. If it appear that the inventor, at the time of making his application, believed himself to be the first inventor or discoverer, a patent will not be refused on account of the invention or discovery, or any part thereof, having been known or used in any foreign country before his invention or discovery thereof, if it had not been before patented or described in any printed publication.

Rev. Stat. sec. 4923.  
1878-5.  
Inventor believing himself to be first inventor.

28. Joint inventors are entitled to a joint patent; neither can claim one separately. Independent inventors of distinct and independent improvements in the same machine cannot obtain a joint patent for their separate inventions; nor does the fact that one furnishes the capital and another makes the invention entitle them to make application as joint inventors; but in such case they may become joint patentees, upon the conditions prescribed in Rule 26.

1878-3.  
Joint inventors.

29. The receipt of letters patent from a foreign government will not prevent the inventor from obtaining a patent

Rev. Stat. sec. 4887.  
1878-89.  
Foreign patents



Limit of term  
in case of prior  
foreign patent.

in the United States unless the invention shall have been introduced into public use in the United States more than two years prior to the application. But every patent granted for an invention which has been previously patented by the same inventor in a foreign country will be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest unexpired term; but in no case will it be in force more than seventeen years.

### THE APPLICATION.

Rev. Stat. secs.  
4888 to 4894.  
1878—9, 7.  
Requisites  
of application.

30. Applications for letters patent of the United States must be made to the Commissioner of Patents. A complete application comprises the petition, specification, oath, and drawings, and the model or specimen when required (see Rules 28, 48, 55, 57, 61), and first fee of \$15. The petition, specification, and oath must be written in the English language.

Rev. Stat. secs.  
4888, 4889, 4890,  
4891, 4892, 4894.  
1878—7.  
Incomplete ap-  
plication not  
filed.  
Signed or sworn  
to in blank.

31. No application for a patent will be placed upon the files for examination until all its parts, except the model or specimen, are received. Every application signed or sworn to in blank, or without actual inspection of the petition and specification, or altered or partly filled up after being signed or sworn to, will be stricken from the files. Completed applications are numbered in regular order, the present series having been commenced on the 1st of January, 1880. The applicant will be informed of the serial number of his application.

Abandoned un-  
less completed  
within two years.

The application must be completed and prepared for examination within two years after the filing of the petition; and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action thereon, of which notice shall have been duly mailed to him or his agent, it will be regarded as abandoned, unless it shall be shown to the satisfaction of the Commissioner that such delay was unavoidable. (See Rules 165-167.)

1878—7, 9.  
All parts of ap-  
plication to be  
filed together.

32. It is desirable that all parts of the complete application be deposited in the Office at the same time, and that all the papers embraced in the application be attached together, otherwise a letter must accompany each part, accurately and clearly connecting it with the other parts of the application. (See Rule 10.)

### THE PETITION.

Rev. Stat. sec.  
4888.  
Petition.

33. The petition must be addressed to the Commissioner of Patents, and state the name and residence of the peti-



tioner, requesting the grant of a patent for the invention therein designated by title, with a reference to the specification for a full disclosure thereof.

### THE SPECIFICATION.

34. The specification is a written description of the invention or discovery, and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.

Rev. Stat. sec.  
4888.  
1878—12.  
Specification.

35. The specification must set forth the precise invention for which a patent is solicited, explaining the principle thereof and the best mode in which the applicant has contemplated applying that principle, so as to distinguish it from other inventions.

Rev. Stat. sec.  
4888.  
Detailed de-  
scription.  
1878—13.

36. In case of a mere improvement, the specification must particularly point out the parts to which it relates, and must by explicit language distinguish between what is old and what is claimed as new, and the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily co-operate with it.

Rev. Stat. sec.  
4888.  
1878—14.  
Improvements.

37. The specification must conclude with a specific and distinct claim or claims of the part, improvement, or combination which the applicant regards as his invention or discovery.

Claims.

38. Where there are drawings the description will refer to the different views by figures and to the different parts by letters or figures (preferably the latter).

1878—13.  
Reference to  
drawings.

39. The following order of arrangement should be observed in framing the specification:

Arrangement of  
specification.

(1.) Preamble stating the name and residence of the applicant, and the title of the invention, and, if the invention has been patented in any country, the country or countries in which it has been so patented, and the date and number of each patent.

(2.) General statement of the object and nature of the invention.

(3.) Brief description of the several views of the drawings (if the invention admits such illustration).

(4.) Detailed description.

(5.) Claim or claims.



(6.) Signature of inventor.

(7.) Signatures of two witnesses.

1878-15.  
Joinder of in-  
ventions.

40. Two or more independent inventions cannot be claimed in one application, but where several distinct inventions are dependent upon each other and mutually contribute to produce a single result they may be claimed in one application. An application should not ordinarily embrace matters belonging to distinct official classes, nor matters belonging to distinct subclasses in cases where a contrary practice has heretofore prevailed among applicants.

1878-16.  
Division of ap-  
plication.

41. If several inventions, claimed in a single application, be of such a nature that a single patent may not be issued to cover them, the inventor will be required to limit the description, drawing, and claim of the pending application to whichever invention he may elect. The other inventions may be made the subjects of separate applications, which must conform to the rules applicable to original applications. If the independence of the inventions be clear, such limitation will be made before any action upon the merits; otherwise it may be made at any time before final action thereon, in the discretion of the Examiner.

Cross-refer-  
ences in cases re-  
lating to same  
subject.

42. When an applicant makes two or more applications relating to the same subject-matter of invention, all showing, but only one claiming, the same thing, those not claiming it must contain disclaimers thereof, with references to the application claiming it.

Rev. Stat. sec.  
4888.

1878-17.  
Signature to  
specifications.

43. The specification must be signed by the inventor or by his executor or administrator, and the signature must be attested by two witnesses. Full names must be given, and all names, whether of applicants or witnesses, must be legibly written.

Rev. Stat. sec.  
4888.

1878-9.  
Legible writing  
required.

44. The specification and claims and all amendments must be plainly written or printed on but one side of the paper. All interlineations and erasures must be clearly marked in marginal or foot notes written on the same sheet of paper. Legal-cap paper with the lines numbered is deemed preferable, and a wide margin must always be reserved upon the left-hand side of the page, both of the specification and of the amendments.

#### THE OATH.

Rev. Stat. sec.  
4892.

1878-10.  
Oath of appli-  
cant.

45. The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he



solicits a patent, and that he does not know and does not believe that the same was ever before known or used, and shall state of what country he is a citizen and where he resides. In every original application the applicant must distinctly state, under oath, whether the invention has or has not been patented to himself, or to others with his consent or knowledge, in any country, and if it has been, the country or countries in which it has been so patented, giving the date and number of each patent, and that it has not been patented in any other country or countries than those mentioned, and must state that, according to his knowledge and belief, the same has not been in public use or on sale in the United States for more than two years prior to the application in this country. (See Rule 39.)

Rev. Stat. sec.  
4267, 4292.  
1878-90, 91.  
Statement as to  
foreign patents  
and public use.

46. If the application be made by an executor or administrator, the form of the oath will be correspondingly changed. The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be, the oath being attested in all cases, in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. When the person before whom the oath or affirmation is made is not provided with a seal his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.\*

Rev. Stat. sec.  
4296.  
1878-10.  
Oath by executor or administrator.  
Officers authorized to administer oaths.

Amended Dec.  
8, 1881.

47. In case the applicant seeks by amendment to introduce any claim not substantially embraced in the statement of invention or claim originally presented, and, therefore, not covered by the original oath, he will be required to file a supplemental oath to the effect that the subject-matter of the proposed amendment was part of his invention and was invented before he filed his original application, and such supplemental oath must be attached to and properly identify the proposed amendment.

1878-11.

Supplemental  
oath to amendment embracing  
new matter.

NOTE.—In all applications for letters patent filed in this Office subsequent to October 24, 1882, the signature of the applicant is required to the oath, in accordance with form 17, page 63.

\* A certificate of the official character of a magistrate, stating date of appointment and term of office, may be filed in the Patent Office, which will obviate the necessity of separate certificates in individual cases.



## THE DRAWINGS.

Rev. Stat. sec. 4889. 1878—18. Drawings. 48. The applicant for a patent is required by law to furnish a drawing of his invention where the nature of the case admits of it.

Requisites of drawings. 49. The drawing must be signed by the inventor or by his attorney in fact, and attested by two witnesses, and must show every feature of the invention covered by the claims, and when the invention consists of an improvement on an old machine, it must exhibit, in one or more views, the invention itself, disconnected from the old structure, and also, in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Three editions of drawings. 1878—19. 50. Three several editions of patent-drawings are printed and published: one for office use, certified copies, &c., of the size and character of those attached to patents, the work being about 6 by 9½ inches; one reduced to half that scale, or one-fourth the surface, of which four will be printed on a page to illustrate the volumes distributed to the courts; and one reduction—to about the same scale—of a selected portion of each drawing to illustrate the Official Gazette.

Uniform standard. This work will all be done by the photolithographic or other analogous process, and therefore the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of the process, and calculated to give the best results, in the interests of inventors, of the office, and of the public generally. The following rules will therefore be rigidly enforced, and any departure from them will be certain to cause delay in the examination of an application for letters patent:

Paper and ink. 1878—19a.

(1.) Drawings must be made upon pure white paper of a thickness corresponding to three-sheet Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used, to secure perfectly black and solid lines.

Size of sheet and marginal lines.

1878—19b.

(2.) The size of a sheet on which a drawing is made must be exactly 10 by 15 inches. One inch from its edges a single marginal line is to be drawn, leaving the "sight" precisely 8 by 13 inches. Within this margin all work and signatures must be included. One of the shorter sides of the sheet is regarded as its top, and,



measuring downward from the marginal line, a space of not less than  $1\frac{1}{4}$  inch is to be left blank for the heading of title, name, number, and date.

(3.) All drawings must be made with the pen only. Every line and letter (signatures included) must be absolutely black. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open. Sectional shading should be made by oblique parallel lines, which may be about one-twentieth of an inch apart.

Character and  
color of lines.  
1878—19c.

(4.) Drawings should be made with the fewest lines possible consistent with clearness. By the observance of this rule the effectiveness of the work after reduction will be much increased. Shading (except on sectional views) should be used only on convex and concave surfaces, where it should be used sparingly, and may even there be dispensed with if the drawing is otherwise well executed. The plane upon which a sectional view is taken should be indicated on the general view by a broken or dotted line. Heavy lines on the shade sides of objects should be used, except where they tend to thicken the work and obscure letters of reference. The light is always supposed to come from the upper left-hand corner, at an angle of forty-five degrees. Imitations of wood or surface-graining should not be attempted.

Few lines and  
little or no shading.  
1878—19d.

(5.) The scale to which a drawing is made ought to be large enough to show the mechanism without crowding, and two or more sheets should be used if one does not give sufficient room to accomplish this end; but the number of sheets must never be increased unless it is absolutely necessary.

Scale of drawing.  
1878—19c.

(6.) Letters and figures of reference must be carefully formed. They should, if possible, measure at least one-eighth of an inch in height, so that they may bear reduction to one-twenty-fourth of an inch; and they may be much larger when there is sufficient room. They must be so placed in the close and complex parts of drawings as not to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part, they should be placed at a little distance, where there is available space, and connected by short broken lines with the parts to which they refer. They must never appear upon shaded surfaces,

Letters of reference.  
1878—19f.



and, when it is difficult to avoid this, a blank space must be left in the shading where the letter occurs, so that it shall appear perfectly distinct and separate from the work. If the same part of an invention appear in more than one view of the drawing it must always be represented by the same character, and the same character must never be used to designate different parts.

Signatures of  
inventor and wit-  
nesses.  
1878—19g.

Title.

Large views.

Figure for Ga-  
zette.  
1878—19h.

(7.) The signature of the inventor is to be placed at the lower right-hand corner of the sheet, and the signatures of the witnesses at the lower left-hand corner, all within the marginal line. (See specimen drawing, page 58.) The title is to be written with pencil on the back of the sheet. The permanent names and title will be supplied subsequently by the office in uniform style.

When views are longer than the width of the sheet, the sheet is to be turned on its side, and the heading will be placed at the right, and the signatures at the left, occupying the same space and position as in the upright views, and being horizontal when the sheet is held in an upright position; and all views on the same sheet must stand in the same direction.

(8.) As a rule, one view only of each invention can be shown in the Gazette illustrations. The selection of that portion of a drawing best calculated to explain the nature of the specific improvement would be facilitated, and the final result improved, by the judicious execution of a figure with express reference to the Gazette, but which might, at the same time, serve as one of the figures referred to in the specification. For this purpose, the figure may be a plan, elevation, section, or perspective view, according to the judgment of the draftsman. It must not cover a space exceeding sixteen square inches. All its parts should be especially open and distinct, with very little or no shading, and it must illustrate the invention claimed only, to the exclusion of all other details. (See specimen drawing.) When well executed, it will be used without curtailment or change; but any excessive fineness, or crowding, or unnecessary elaborateness of detail, will necessitate its exclusion from the Gazette.

(9.) Drawings should be rolled for transmission to the office, not folded. No agent's or attorney's stamp, or advertisement, or written address, will be permitted upon the face of a drawing within or without the marginal line.

Drawings to be  
rolled for trans-  
mission.  
No stamp, ad-  
vertisements, or  
address permit-  
ted on face of  
drawings.  
1878—19i.



51. These rules are modified as to drawings for designs. 1878—20.  
Drawings for  
designs.  
(See Rules for Designs, 81, 82, 83.)

52. All reissue applications must be accompanied by new drawings, of the character required in original applications, and the inventor's name must appear upon the same in all cases of patents granted or assigned since July 8, 1870; and such drawings, if the original application was filed after July 8, 1870, shall be made upon the same scale as the original drawing or upon a larger scale, unless a reduction of scale shall be authorized by the Commissioner. 1878—22.  
Drawings for  
reissue applica-  
tions.  
Rev. Stat. sec.  
4895.

53. The foregoing rules relating to drawings will be rigidly enforced. Every drawing not artistically executed in conformity thereto may be admitted for purposes of examination if it sufficiently illustrates the invention, but in such cases a new drawing must be furnished before the application can be allowed. The office will make the necessary corrections at the applicant's option and cost. 1878—21.  
Defective draw-  
ings.

54. Applicants are advised to employ competent artists to make their drawings. The office will furnish the drawings at cost, as promptly as its draftsmen can make them, for applicants who cannot otherwise conveniently procure them. 1878—23.  
Drawings fur-  
nished by office.

No employés of the patent office, except those regularly assigned to such duty, will make any drawings, whether copies or originals, for applicants, agents, or attorneys.

#### THE MODEL.

55. Preliminary examinations will not be made for the purpose of determining whether models are required in particular cases. Applications complete in all other respects will be sent to the examining divisions, whether models are or are not furnished. A model will not be required or admitted as a part of the application until, on examination of the case in its regular order, the primary examiner shall find it to be necessary or useful, and shall file a written certificate to that effect, which will constitute an official action in the case. Models not required nor admitted, if already filed, will be returned to the applicants. When a model shall be required the examination will be suspended until it shall be filed. From a decision of the primary examiner overruling a motion to dispense with a model an appeal may be taken to the Commissioner in person, under the provisions of Rule 140. Rev. Stat. sec.  
4891.  
Models, when  
required.  
1878—24.

56. The model must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement, unless it is necessary to the exhibition of the invention in a working model. 1878—24.  
Requisites of  
model.

57. The model must be neatly and substantially made, of durable material, metal being deemed preferable; but when 1878—25.  
Material and  
dimensions.



a material forms an essential feature of the invention, the model will be constructed of that material. The model must not be more than one foot in length, width, or height, except in cases in which the Commissioner shall admit working models of complicated machines of larger dimensions. If made of wood, it must be painted or varnished. Glue must not be used; but the parts should be so connected as to resist the action of heat or moisture. Where practicable, to prevent loss, the model or specimen should have the name of the inventor permanently fixed thereon. In cases where models are not made strong and substantial, as here directed, the application will not be examined until a proper model is furnished.

1875-26.  
Working models.  
els.

58. A working model is often desirable, in order to enable the office fully and readily to understand the precise operation of the machine.

Rev. Stat. sec.  
485.  
1878-27.  
Models in rejected and abandoned cases.

59. In all cases where an application has been rejected more than two years, the model, unless it is deemed necessary that it should be preserved in the office, may be returned to the applicant upon demand, and at his expense; and the model, in any pending case of less than two years' standing, may be returned to the applicant upon the filing of a formal abandonment of the application, signed by the applicant in person. (See Rule 165.) Models belonging to patented cases will not be taken from the office except in the custody of some sworn employé of the office specially authorized by the Commissioner.

Models in patented cases.

1878-28.  
Models filed as exhibits.

60. Models filed as exhibits, in contested cases, may be returned to the applicant. If not claimed within a reasonable time they may be disposed of, at the discretion of the Commissioner.

#### SPECIMENS.

Rev. Stat. sec.  
4890.  
1878-28.  
Specimens.

61. When the invention or discovery is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the composition, and of its ingredients, sufficient in quantity for the purpose of experiment. In all cases where the article is not perishable, a specimen of the composition claimed, put up in proper form to be preserved by the office, must be furnished.

#### THE EXAMINATION.

1878-29, 65.  
Order of examination.

62. All cases in the patent office are classified and taken up for examination in regular order, those in the same class of invention being examined and disposed of, as far as practicable, in the order in which the respective applications are completed; but applications which have received action by an examiner and have been put into condition for further

Change of order.



action on his part shall be entitled to precedence over completed applications in the same class of invention which have received no action. When, however, the invention is deemed of peculiar importance to some branch of the public service, and when for that reason the head of some department of the Government specially requests immediate action, the case will be taken up out of its order. These, with cases remanded by an appellate tribunal for further action, statements of grounds of decisions by primary examiners, provided for in Rules 130 and 140, applications for extensions, for reissue, for letters patent for inventions for which foreign patents have already been obtained, and for designs, have precedence over all others in the order enumerated. Action upon such cases in the order indicated will be promptly made by the examiner in charge, to the exclusion of all other business interfering therewith.\*

63. The first step in the examination of an application will be to determine whether it is, in all respects, in proper form. If, however, the objections as to form are not vital, the examiner may proceed to the consideration of the application on its merits; but in such case he must if possible, in his first letter to the applicant, state all his objections, whether formal or otherwise, and until the formal objections are disposed of no further action will be taken upon its merits without the order of the Commissioner.

### REJECTIONS AND REFERENCES.

64. Whenever, on examination, any claim of an application is rejected for any reason whatever, the applicant will be notified thereof, and the reason for such rejection will be fully and precisely stated, and such information and references will be given as may be useful in judging of the propriety of prosecuting his application or of altering his specification; and if, after receiving such notice, he shall persist in his claim, with or without altering his specification, the case will be re-examined. If upon re-examination it shall be again rejected, the reasons therefor will be fully and precisely stated. (See Rule 89.)

65. Upon the rejection of an application for want of novelty, the examiner must cite the best references at his command. If patents be cited, their dates and numbers, the names of the patentees, and the classes of invention must be stated. When the reference shows or describes inven-

Privileged cases.

1878—29.  
Questions of form.

Rev. Stat. sec. 4903.  
1878—33.  
Notice of rejection with information and references.

Re-examination.

1878—34.  
On rejection for want of novelty best references to be cited.

\* NOTE.—If an application is found to contain patentable subject-matter interfering with a caveat its allowance will be suspended, as hereinafter provided in Rule 196.



Requisites of  
notice of rejection.

1878—29.

tions other than that claimed by the applicant, the particular part relied on will be designated as nearly as practicable. The pertinence of the reference, if not obvious, must be clearly explained and the anticipated claim specified. If printed publications be cited, the title, date, page, or plate, and place of publication, or place where a copy can be found, will be given. Where reference is made to facts within the personal knowledge of an employé of the office, the data will be as specific as possible, and the reference must be supported by the affidavit of such employé, which shall be subject to contradiction, explanation, and corroboration by the affidavits of the applicant and other persons. If the patent or other printed matter, plates, or drawings, so referred to, are in the possession of the office, copies will be furnished at cost upon the order of the applicant. (See Rule 171.)

Adverse decisions on preliminary questions in *ex parte* cases.  
1878—44.

Reconsideration.

66. Whenever, in the treatment of an *ex parte* application, an adverse decision is made upon any preliminary or intermediate question, without the rejection of any claim, notice thereof, together with the reasons therefor, will be given to the applicant, in order that he may judge of the propriety of the action. If, after receiving such notice, he traverse the propriety of the action, the matter will be reconsidered.

#### AMENDMENTS AND ACTIONS BY APPLICANTS.

1878—31.

Right to amend.

Requisites of amendments.

Amendment after claims ready for appeal.

67. The applicant has a right to amend before or after the first rejection; and he may amend as often as the examiner presents any new references or reasons for rejection. In so amending the applicant must clearly point out all of the patentable novelty which he thinks the case presents, in view of the state of the art disclosed by the references cited or objections made. He must also show how the amendments avoid such references or objections. After appeal, or after such action on all the claims as shall entitle the applicant to an appeal to the board of examiners-in-chief, amendments will not ordinarily be allowed. If such amendments are offered, good and sufficient cause therefor must be shown, together with the reasons why they were not earlier presented; and, if satisfied on these points, the examiner may admit and consider them. If the examiner shall refuse to admit and consider such amendments, an appeal will lie to the Commissioner, as in other cases. No amendment can be made between hearing on appeal and decision; and after decision of any appellate tribunal amendments can be made only in accordance with such decision, except as provided in Rule 137.

Request for reconsideration.  
1878—44.

68. In order to be entitled to the reconsideration provided for in Rule 66, the applicant must make request therefor in writing, and he must distinctly and specifically point out the supposed errors of the examiner's action. The mere



allegation that the examiner has erred will not be received as a proper reason for such reconsideration. This provision does not apply to the case of a demand for re-examination upon the rejection of a claim under Rule 64.

69. In original applications, which are capable of illustration by drawing or model, all amendments of the model, drawings, or specification or of additions thereto must conform to at least one of them as they were at the time of the filing of the application. Matter not found in either involving a departure from the original invention can be shown or claimed only in a separate application. If the invention does not admit of illustration by drawing or model, amendment of the specification is permitted upon proof satisfactory to the Commissioner that the matter covered by the proposed amendment was a part of the original invention; the affidavits prescribed in Rule 47 may or may not be sufficient.

1878—32.

Amendments  
to correspond to  
original model or  
drawing or speci-  
fication.

Amendment  
in cases which do  
not admit of illu-  
stration by model  
or drawing.

70. The specification must be amended and revised, when required, for the purpose of correcting inaccuracies of description or unnecessary prolixity, and of securing correspondence between the claim and the other parts of the specification.

Rev. Stat. sec.  
483, 488.

1878—33.  
Inaccuracies  
and prolixity.

71. After the completion of the application the office will not return the specification for any purpose whatever. The model or drawing\* (but not both at the same time) may be withdrawn for correction. If applicants have not preserved copies of such papers as they wish to amend, the office will furnish them on the usual terms.

1878—37, 8.  
Specification  
not to be re-  
turned.

Model or draw-  
ing returned for  
correction.

72. All amendments of specifications or claims must be made on sheets of paper separate from the original. Even when the amendment consists in striking out a portion of the specification or of the claims, the same course must be observed. Erasures must not be made by the applicant. In every case of amendment the exact word or words to be stricken out or inserted must be clearly specified, and the precise point indicated where the erasure or insertion is to be made. (See Rule 44.)

1878—32.

Amendments  
how written.

73. When an amendatory clause is amended it must be wholly rewritten, so that no interlineation or erasure shall appear in the clause, as finally amended, when the case is passed to issue. If the number or nature of the amendments shall render it otherwise difficult to consider the case, or to arrange the papers for printing or copying, the examiner or Commissioner may require the entire specification to be rewritten. (See Rule 44.)

Specification  
rewritten.

\*NOTE.—Drawings will in no instance be returned to an applicant or his authorized agent unless a model has been filed and accepted by the Examiner as a part of the application.



Patents showing but not claiming invention.

74. When an original or reissue application is rejected on reference to an expired or unexpired domestic patent, which substantially shows or describes but does not claim the rejected invention, or to a foreign patent, or to a printed publication, and the applicant shall make oath to facts showing a completion of the invention before the filing of the application for the domestic patent, or before the date of the foreign patent, or before the date at which the printed publication was made, and shall also make oath that he does not know and does not believe that the invention has been in public use or on sale in this country for more than two years prior to his application, and that he has never abandoned the invention, then the patent or publication cited will not bar the grant of a patent to the applicant, *except upon interference, as provided in Rule 94.*

Obsolete by operation of amended form of Rule 94.

Applications showing but not claiming invention.

1878—31.

75. When an application is rejected on reference to an expired or unexpired domestic patent which shows or describes, but does not claim, the rejected invention, or to a foreign patent, or to a printed publication, or to facts within the personal knowledge of an employé of the office, set forth in an affidavit of such employé, or on the ground of public use or sale, or upon a mode or capability of operation attributed to a reference, or because the alleged invention is held to be inoperative, or frivolous, or injurious to public health or morals, affidavits or depositions supporting or traversing these references or objections may be received; but they will be received in no other cases, without special permission of the Commissioner. (See Rule 86.)

Rev. Stat. sec. 4894.  
Abandonment.  
1878—39.

76. If an applicant neglect to prosecute his application for two years after the date when the last official notice of any action by the office was mailed to him, the application will be held to be abandoned, as set forth in Rule 165.

Interference.

Amendment and jurisdiction after notice of allowance.

77. Applications in interference can be amended only as provided in Rules 104, 124, 125. After notice of allowance of an application for a patent, no amendments will be received, nor will the examiner have any jurisdiction over the application, unless by authority of the Commissioner.

Amendment without withdrawal from issue.

Amendments not affecting the merits may be made after allowance and after payment of the final fee, on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the application from issue. (See Rule 160.)

## DESIGNS.

Rev. Stat. secs. 4929 to 4933.  
1878—79.  
Design patents, to whom granted.

78. A patent for a design may be granted to any person, whether citizen or alien, in the cases specified in Rule 24, upon payment of the duty required by law, and other due



proceedings had, as in other cases of inventions or discoveries.

79. Patents for designs are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect. Rev. Stat. sec. 4931.  
1878—80.  
Terms of design patents.

80. The proceedings in applications for patents for designs are substantially the same as in applications for other patents. The specification must distinctly point out the characteristic features of the design, and carefully distinguish between what is old and what is believed to be new. The claims also, when the design admits of it, should be as distinct and specific as in the case of other patents. The following order of arrangement should be observed, when convenient, in framing the specification: 1878—81.  
Proceedings.  
Rev. Stat. sec. 4933.

(1.) Preamble showing name and residence of the applicant, title of the design, and the name of the article for which the design has been invented. Order of specification.

(2.) Detailed description of the design as it appears in the drawing or photograph, letters or figures of reference being used.

(3.) Claim or claims.

(4.) Signature of inventor.

(5.) Signatures of two witnesses.

81. When the design can be sufficiently represented by drawings or photographs, a model will not be required. 1878—82.  
Rev. Stat. sec. 4930.  
Model.

82. Whenever a photograph or an engraving is employed to illustrate the design it must be mounted upon Bristol-board, 10 by 15 inches in size, and properly signed and witnessed. The applicant will be required to furnish ten extra copies of such photograph or engraving (not mounted), of a size not exceeding  $7\frac{1}{2}$  inches by 11. Negatives are not required. 1878—83.  
Photographs.  
Engravings.

83. Whenever the design is represented by a drawing made to conform to the rules laid down for drawings of mechanical inventions, but one copy need be furnished. Additional copies will be supplied by the photolithographic process at the expense of the patent office. 1878—83.  
Drawing.

(For Forms to be used in Applications for Design Patents, see Appendix, Forms 9 and 15.)

### REISSUES.

84. A reissue is granted to the original patentee, his legal representatives, or the assignees of the entire interest, when, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, the original patent is inoperative or invalid, provided the error has arisen from Rev. Stat. secs. 4895, 4916.  
1878—82.  
Reissue, when granted.



inadvertence, accident, or mistake, and without any fraudulent or deceptive intention. In the cases of patents issued and assigned prior to July 8, 1870, the applications for reissue may be made by the assignees; but in the cases of patents issued or assigned since that date the applications must be made and the specification sworn to by the inventors, if they be living.

1878—63.  
Abstract of title.  
Assent of assignees.  
Prerequisites.  
Oath of applicant for reissue.

85. The petition for a reissue must be accompanied with a certified copy of the abstract of title, giving the names of all assignees owning any undivided interest in the patent; and in case the application is made by the inventor, it must be accompanied with the written assent of such assignees.

86. Applicants for reissue, in addition to the requirements of Rule 45, must also file with their petitions a statement on oath as follows:

1st. That applicant verily believes the original patent to be inoperative or invalid, and the reason why.

2d. Where it is claimed that such patent is so inoperative or invalid "by reason of a defective or insufficient specification," particularly specifying such defects or insufficiencies.

3d. Where it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," distinctly stating such part or parts so alleged to have been so improperly claimed as new.

4th. Particularly specifying the errors which it is claimed constitute the inadvertence, accident, or mistake relied upon, and how they arose or occurred.

5th. That said errors arose "without any fraudulent or deceptive intention" on the part of the applicant.

Rev. Stat., sec. 4916.  
1878—64.

New matter.

87. No new matter shall be introduced into the reissue specification, nor in case of a machine shall the model or drawings be amended except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake.

Rev. Stats., ec. 4916.  
1878—66.  
Division of re-issue application.

88. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented; upon demand of the applicant, and upon payment of the required fee for each division of such reissued letters patent. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts, subject to the provisions of Rule 49. Unless it shall be otherwise.

All divisions to issue simultaneously.



wise ordered by the Commissioner, all the divisions of a reissue will issue simultaneously; if there be controversy as to one, the others will be withheld from issue until the controversy is ended, unless he shall otherwise order.

89. In cases of application for reissue, an original claim, if reproduced in the amended specification, is subject to re-examination, and the entire application will be revised and restricted in the same manner as original applications. 1878—67. Re-examination of reissue claims. Rev. Stat., sec. 4916.

90. The application for a reissue must be accompanied by a surrender of the original patent, or, if that is lost, by an affidavit to that effect, and a certified copy of the patent; but if a reissue be refused, the original patent will, upon request, be returned to the applicant. 1878—67. Rev. Stat., sec. 4916. Surrender of original patent.

91. Matter which is shown and described, and might have been lawfully claimed, in an unexpired patent, but was not claimed by reason of a defect or insufficiency in the specification, arising from inadvertence, accident, or mistake, and without fraud or deceptive intent, cannot be subsequently claimed by the patentee in a separate patent, but only in a reissue of the original patent. Matter to be claimed only on reissue. 1878—67.

### INTERFERENCES.

92. An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention. The fact that one of the parties has already obtained a patent will not prevent an interference; for, although the Commissioner has no power to cancel a patent, he may grant a patent for the same invention to another person who proves to be the prior inventor. Rev. Stat., sec. 4904. 1878—51, 52. Interference defined.

93. Interferences will be declared in the following cases, when all the parties claim substantially the same patentable invention: Rev. Stat., sec. 4904. When declared. 1878—51.

(1.) Between two or more original applications. Original applications.

(2.) Between an original application and an unexpired patent, when the applicant, having been rejected on the patent, shall file an affidavit showing that he made the invention before the patentee's application was filed. Original applications and unexpired patents.

(3.) Between an original application and an application for the reissue of a patent granted during the pendency of such original application. Original and reissue applications. Rev. Stat., sec. 4946.

(4.) Between an original application and a reissue application, when the original applicant shall file an affidavit showing that he made the invention before the patentee's original application was filed. Original and reissue applications.



Reissue appli-  
cations.

Reissue appli-  
cations.

Reissue appli-  
cation and unex-  
pired patent.

Reissue appli-  
cation and unex-  
pired patent.

Invention  
shown but not  
claimed in appli-  
cation.  
Amended Nov.  
1, 1821.

(5.) Between two or more applications for the reissue of patents granted on applications pending at the same time.

(6.) Between two or more applications for the reissue of patents granted on applications not pending at the same time, when the applicant for reissue of the later patent shall file an affidavit showing that he made the invention before the application on which the earlier patent was granted was filed.

(7.) Between a reissue application and an unexpired patent, if the original applications were pending at the same time, and the reissue applicant shall file an affidavit showing that he made the invention before the original application of the other patentee was filed.

(8.) Between an application for reissue of a later unexpired patent and an earlier unexpired patent granted before the original application of the later patent was filed, if the reissue applicant shall file an affidavit showing that he made the invention before the original application of the earlier patent was filed.

94. No interference will be declared between pending applications, nor between a pending application and an unexpired patent, unless there are conflicting claims; but where an application is involved in an interference in part and shows and describes, without claiming, a patentable invention claimed by another party thereto, the applicant may, at any time *within twenty days after the statements of the parties have been received and approved*, on motion duly made, as provided in Rule 149, file an amendment of his application duly claiming such invention, and on the admission of such amendment the invention shall be included in the interference. Such motion must be accompanied by the proposed amendment, and when in proper form will be transmitted by the Examiner of Interferences to the Primary Examiner for his determination. Upon the final determination of such motion the papers and files will be returned to the Examiner of Interferences, and in case the amendment shall be admitted the Primary Examiner will redeclare the interference, and prepare and forward to the Examiner of Interferences new notices of the interference, as provided in Rule 97, and the Examiner of Interferences will proceed in accordance with Rule 102. The decision of the Primary Examiner will be binding upon the Examiner of Interferences, unless reversed or modified upon appeal, as provided in Rule 113.



95. Before the declaration of interference all preliminary questions must be settled by the primary examiner, and the issue must be clearly defined; the invention which is to form the subject of the controversy must be decided to be patentable, and the claims of the respective parties must be put in such condition that they will not require alteration after the interference shall have been finally decided, unless the testimony adduced upon the trial shall necessitate or justify such change.

1878—51.  
Preparation for interference.

96. Where, however, a party who is required to put his case in a condition proper for an interference fails to do so within a reasonable time specified, the declaration of interference will not be delayed. After final judgment of priority the application of such party will be held for revision and restriction, subject to interferences with other applications or new references. (See Rule 93.)

1878—51.  
Failure to prepare for interference.

97. When an interference is found to exist and the applications are prepared therefor, the Primary Examiner will forward to the Examiner of Interferences, *together with the files and drawings*, notices of interference for all the parties, as specified in Rule 102, which will disclose the name and residence of each party and that of his attorney, *and if any party, as such, be a patentee, the date and number of the patent, and the date of its application, the ordinals of conflicting claims, and the invention claimed, which shall be clearly and concisely defined, in so many counts or branches as may be necessary in order to include all interfering claims. Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner in charge will notify each of said principal parties, and also the attorney, of this fact.*

Notices of interference drafted and forwarded to examiner of interferences.  
1878—53.

98. Upon receipt of the notices of interference, the examiner of interferences will make an examination thereof, in order to ascertain whether the issue between the parties has been clearly defined, and whether it is otherwise correct. If he be of the opinion, upon such examination, that the notices are ambiguous in this particular, or are imperfect in any material point, he will transmit his objections to the primary examiner, who will promptly notify him of his decision to amend or not to amend them.

Revision of notices by examiner of interferences.  
1878—53.

99. In case of a material disagreement between the examiner of interferences and the primary examiner, they shall refer the points of difference to the Commissioner for decision.

Reference to Commissioner.

100. The primary examiner will retain jurisdiction of the case until the declaration of interference is made.

Principal examiner retains jurisdiction.

101. When the notices of interference have been settled, the examiner of interferences will add thereto a designation of the time within which the statements required by Rule

Institution and declaration of interference.



Rev. Stat., sec. 105 must be filed, and will, *pro forma*, institute and declare the interference by forwarding the notices to the several parties to the interference.

1873—52, 53, 58. 102. Notices of interference will be forwarded by the Examiner of Interferences to all the parties, or to their attorneys, or, in case the application or patent in interference has been assigned, to the assignees. When one of the parties has received a patent, a notice will be sent to the patentee and to his attorney of record. When one of the parties resides abroad and has no known agent in the United States, notice, in addition to that sent by mail, may be given by publication in the OFFICIAL GAZETTE for such period of time as the Commissioner may direct.

Jurisdiction of examiner of interferences. 103. Upon the institution and declaration of the interference, as provided in Rule 101, the examiner of interferences will take jurisdiction of the same, which will then become a contested case; but the primary examiner will determine the motions mentioned in Rule 116, as therein provided.

Primary examiner to determine certain motions. 1873—53. 104. An applicant involved in an interference may, with the written consent of the assignee, when there has been an assignment, before the date fixed for the filing of his statement, (see Rule 105,) in order to avoid the continuance of the interference, disclaim under his own signature, attested by two witnesses, the invention of the particular matter in issue, and upon such disclaimer and the cancellation of any claims involving such interfering matter judgment shall be rendered against him, and the disclaimer shall be embodied in and form part of his specification. (See Rules 187, 188.)

1873—53. Preliminary statements. 105. Each party to the interference will be required to file a concise statement, under oath, showing the date of his original conception of the invention, of the making of a drawing, of the making of a model, of its disclosure to others, of its reduction to practice, and of the extent of its use. The parties will be strictly held in their proof to the dates set up in their statements. The statement must be sealed up before filing, (to be opened only by the Examiner of Interferences,) and the name of the party filing it, the title of the case, and the subject of the invention indicated on the envelope. The statements shall not be opened to the inspection of the opposing parties until both shall have been filed, or the time for filing both with any extension thereof shall have expired, nor then unless they have been examined by the proper officer and found to be satisfactory. When the invention was made abroad the statement should set forth when and where, if ever, the invention was patented, (giving the date and number of the patent,) and when, if ever, it was described in a printed publication, (giving the title, date, and place of publication,) and when, if ever, it was introduced, or knowledge of it was introduced, into this country,

Sealed up.

Opened.



(giving the circumstances which are thought to establish the facts thereof.)

106. If, on such examination, a statement is found to be defective in any particular, the party shall be notified of the defect, and a time assigned within which he must cure such defect by an amended statement; but in no case will any original or amended statement be returned after it has been once filed. *If a party shall refuse to file the amended statement herein referred to, he will be restricted to his record date in the further proceedings in the case.* Notice to amend.

107. If the junior party to an interference fail to file a statement, or if his statement fail to overcome the *prima facie* case made by the respective dates of application, the other may demand an immediate adjudication of the case upon the record. Where there are more than two parties to the interference, and any one of them fails to file his statement, judgment may be rendered upon the record as to the party failing to file his statement, unless he be the senior party, and the interference will proceed between the remaining parties. 1878—53.  
Failure to file preliminary statement.

108. If any party to an interference fail to file a statement, no testimony will subsequently be received from him to prove that he made the invention at a date prior to his application. The statement can in no case be used as evidence in behalf of the party making it. 1878—53.  
Testimony excluded.  
Statement not evidence.

109. If either party require a postponement of the time for filing the statements, he will present his motion duly served on the other parties, with his reasons therefor, supported by affidavit, prior to the day previously fixed upon. But the examiner of interferences may, in his discretion, dispense with service of notice of such motion. 1878—53.  
Motion for postponement of time for filing.

110. In case of material error in the statement, arising through inadvertence or mistake, it may be corrected on motion (see Rule 149), upon showing to the satisfaction of the Commissioner that its correction is essential to the ends of justice. The motion to correct the statement must be made, if possible, before the taking of any testimony, and as soon as practicable after the discovery of the error. 1878—53.  
Motion to amend.

111. In original proceedings in cases of interference the several parties will be presumed to have made the invention in the chronological order in which they filed their completed applications for patents clearly illustrating and describing the invention; and the burden of proof will rest upon those who shall seek to establish a different state of facts. 1878—57.  
Presumption as to order of invention.

112. A time will be assigned in which the junior applicant shall complete his testimony in chief, and a further time in which the other party shall complete the testimony on his side, and a further time in which the junior applicant may take rebutting testimony, but shall take no other. If 1878—57.  
Time for taking testimony.



there be more than two parties, either patentees or applicants, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior applicants and to rebut their evidence, and also to meet the evidence of junior applicants.

1878=54,  
Failure to take  
testimony.

113. If either party fail to take his testimony within the time assigned to him, all junior applicants having duly taken theirs, the case may, on motion duly made and served on such party, be set for hearing at any time not less than ten days after the hearing of the motion.

Postponement  
of hearing.  
1878=55.

114. If either party desire to have the hearing postponed, he will make application for such postponement by motion (see Rule 140), and will show sufficient reason therefor by affidavit.

1878=58,  
Enlargement of  
time for taking  
testimony.

115. If either party desire an enlargement of the time assigned to him for taking testimony, he will make application therefor as provided for in Rule 150 (5).

Motion to dis-  
solve for non-pat-  
entability.  
1878=59.

116. Motions to dissolve an interference upon the ground that no interference in fact exists, or that there has been such irregularity in declaring the same as will preclude a proper determination of the question of priority between the parties, or which deny the patentability of an applicant's claim, or his right to make the claim, should, if possible, be made *within twenty days after the statements of the parties have been received and approved*. Such motions, when in proper form, will be transmitted by the Examiner of Interferences, with the files and papers, to the *proper* Primary Examiner for *his* determination, and he will return the files and papers to the Examiner of Interferences, with his decision, at the expiration of the time limited for appeal if no appeal shall have been taken, or sooner if the party entitled to appeal shall file a waiver in writing of his right of appeal, and such decision will be binding on the Examiner of Interferences unless reversed or modified on appeal. (See Rule 118.)

Appeal.  
1878=55.

1878=59.  
Motions to dis-  
solve on other  
grounds and  
other motions.

117. All lawful motions, except those mentioned in Rule 116, will be made before and determined by the tribunal having jurisdiction at the time. The filing of motions will not operate as a stay of proceedings in any case. To effect this, motion should be made before the tribunal having jurisdiction of the interference, which will, sufficient grounds appearing therefor, order a suspension of the interference pending the determination of such motion.

1878=59, 55.  
Appeal to Com-  
missioner.  
To examiners-  
in-chief.

118. Appeal may be taken directly to the Commissioner from decisions on all motions, except motions to dissolve interferences denying the patentability of applicants' claims, or their right to make the claims, and other lawful motions involving the merits of the case, which, when appealable, may be appealed to the board of examiners-in-chief. From



a decision affirming the patentability of the claim or the applicant's right to make the same no appeal can be taken.

119. After the interference is finally declared, it will not, except as herein otherwise provided, be determined without judgment of priority founded *either* upon the testimony, or upon a written concession of priority by one of the parties, signed by the inventor himself, and also, in the case of an assignment, by the assignee, *or upon a written declaration of abandonment of his application, as provided by Rule 165.*

Rev. Stat. sec.  
482, 4904, 4909.  
Rev. Stat. sec.  
4904.  
1878—53.  
Determination.

120. In their decision of the question of priority, or before such decision, the examiner of interferences and the examiners-in-chief will direct the attention of the Commissioner to any matter not relating to priority which may have come to their notice, and which, in their opinion, establishes the fact that no interference exists, or that there has been irregularity in declaring the same (Rule 116), or which amounts to a statutory bar to the grant of a patent to either of the parties for the claim or claims in interference. The Commissioner may, before judgment on the question of priority of invention, suspend the interference and remand the case to the primary examiner for his consideration of the matters to which attention has been directed, and his decision will be subject to appeal, as in other cases. If the case shall not be so remanded, the primary examiner will, after judgment, consider any matter affecting the rights of either party to a patent which may have been called to his attention, unless the same shall have been previously disposed of by the Commissioner.

1878—53.  
Statutory bar  
suggested.

How determined.

121. A second interference will not be declared upon a new application on the same invention filed by either party, nor will a decision be set aside after judgment, except in accordance with the principles governing the granting of new trials.

1878—60.  
Second interference.  
Vacation of  
judgment.

122. If at any time during the pendency of an interference the primary examiner discover new references, he may request a suspension of the interference for their consideration *ex parte* until their pertinency shall be determined, when the files and papers will be returned to the examiner of interferences and the interference dissolved or reinstated in accordance with such determination.

1878—53.

Suspension of  
interference for  
consideration of  
new references.

123. The primary examiner may request a suspension of an interference for the purpose of adding new parties; but no new parties will be added after the taking of testimony without the special order of the Commissioner.

For addition of  
new parties.  
1878—53.

124. No amendments to the specification will be received during the pendency of an interference, except as provided in Rules 94, 104, 125.

1878—60.  
Amendments  
pending interference.



1878—61.  
New applica-  
tion for claims  
not in interfer-  
ence.

125. When a part only of the claims of an application are involved in an interference, the applicant may withdraw from his application the claims adjudged not to interfere, and file a new application therefor, if the application can be legitimately divided, and if no more of the devices claimed in one is shown or described in the other than is necessary to an intelligent understanding of the invention claimed in the latter: *Provided*, That no claim shall be made in the second application broad enough to include matter claimed in the first application as amended. (See Rule 42.)

1878—128, 61.  
Inspection of  
claims of oppos-  
ing parties.

126. When applications are declared to be in interference, the interfering parties will be permitted to see or obtain copies of the interfering claims, and of so much of the specifications as relate thereto, *after the statements referred to in Rule 105 have been received and approved; but no information of an application will be furnished by the Office to an opposing party, except as provided in Rules 97 and 102, until after the approval of such statement.*

Prosecution or  
defense by as-  
signee.

127. When it shall appear, on motion duly made, and upon satisfactory proof, that, by reason of the inability or refusal of the inventor to prosecute or defend an interference, or from other cause, the ends of justice shall require that an assignee of an undivided interest in the invention be permitted to prosecute or defend the same, the Commissioner may so order.

### APPEALS.

Rev. Stat. sec.  
1909.  
1878—42.  
Appeal to ex-  
aminers-in-chief.

128. Every applicant for a patent or the reissue of a patent, any of the claims of whose application have been twice rejected upon grounds involving the merits of the invention, such as lack of novelty or utility, abandonment, public use, or want of identity of invention, either in amended or in reissue applications, may appeal from the decision of the primary examiner to the board of examiners-in-chief, having once paid a fee of ten dollars. The appeal must be made in writing, signed by the party, or his duly authorized agent or attorney, setting forth the points of the decision upon which the appeal is taken and duly filed.

1878—44.  
Prerequisites.

129. There must be two rejections of the claims as originally filed, or, if amended in matter of substance, of the amended claims, and all the claims must be passed upon, and all preliminary and intermediate questions relating to matters not affecting the merits of the invention settled, before the case is appealed to the examiners-in-chief.

1878—42.  
Examiner's  
statement of  
grounds of de-  
cision.

130. Upon the filing of the appeal the same shall be submitted to the primary examiner, who, if he find the appeal to be regular in form, shall furnish the examiners-in-chief with a written statement of the grounds of his decision on



all the points involved in the appeal, with copies of the rejected claims, and with the references applicable thereto. If the primary examiner shall decide that the appeal is not regular in form, an appeal from such decision may be taken directly to the Commissioner, as provided in Rule 140.

131. The appellant shall, before the day of hearing, file a brief of the authorities and arguments on which he will rely to maintain his appeal. Brief, when to be filed.

132. If the appellant desire to be heard orally before the examiners-in-chief, he will so indicate when he files his appeal; a day of hearing will then be fixed, and due notice of the same given to him. Oral hearing before examiners-in-chief. 1878—42.

133. In contested cases the appellant shall have the right to make the opening and closing arguments unless it shall be otherwise ordered by the tribunal having jurisdiction of the case. 1878—42. Right to open and close.

134. The examiners-in-chief in their decision will affirm or reverse the decision of the primary examiner only on the points on which appeal shall have been taken. (See Rule 128.) If they shall discover any apparent grounds not involved in the appeal for granting or refusing letters patent in the form claimed, or in any other form, they will annex to their decision a statement to that effect, with such recommendation as they shall deem proper. 1878—43. Decision of examiners-in-chief. Rev. Stat. sec. 482. Discovery of grounds for granting or refusing patent not involved in appeal.

From any judgment of the primary examiner, on points embraced in the recommendation annexed to the decision adverse to the appellant, appeal may be taken on questions involving the merits to the board of examiners-in-chief and on other questions to the Commissioner, as in other cases. Appeal from primary examiner.

If an appeal shall be taken from the decision of the examiners-in-chief to the Commissioner, the Commissioner, whenever, in his opinion, substantial justice shall require it, may, either before or after final judgment, remand the case to the primary examiner for consideration of any amendment or action based upon the recommendation annexed to the decision of the examiners-in-chief. Appeal from adverse action on any amendment based on recommendation of examiners-in-chief.

If the Commissioner, in revising the decision of the examiners-in-chief, shall discover any apparent grounds for granting or refusing letters patent not involved in the appeal, he will, before or after final judgment, whenever, in his opinion, substantial justice shall require it, give reasonable notice thereof to the parties; and if any amendment or action based thereon shall be proposed, he will remand the case to the primary examiner for consideration. Amendment referred to primary examiner. Amendment based on discovery of Commissioner referred to primary examiner.

From decisions of the primary examiner, in cases remanded, as herein provided, appeal will lie to the board of examiners-in-chief, or directly to the Commissioner, as in other cases. Appeals.



1878—48.  
Application re-  
manded for re-  
consideration on  
affidavits filed.

Rev. Stat., sec.  
4010.

1878—48.  
Appeal from  
examiners-in-  
chief to Commis-  
sioner.

1878—45.

Rehearings.

1878—45.  
Jurisdiction.

1878—45.  
Reconsidera-  
tion of cases de-  
cided by former  
Commissioner.

Interlocutory  
appeals to Com-  
missioner, with-  
out fee.

Report of ex-  
aminer.

Rev. Stat., sec.  
4004, 4009, 4010,  
4011.

1878—48.  
Rev. Stat., sec.  
4011.

1878—48.  
Appeals in in-  
terference cases.  
Reasons of ap-  
peal.

1878—48.

Printed briefs.

135. If affidavits be received, under Rule 75 or 80, after the case has been appealed, the application will be remanded to the primary examiner for reconsideration.

136. From the adverse decision of the board of examiners-in-chief appeal may be taken to the Commissioner in person, upon payment of the fee of twenty dollars required by law.

137. Cases which have been heard and decided by the Commissioner on appeal will not be reopened except by the Commissioner; cases which have been decided by the examiners-in-chief will not be reheard by them, when no longer pending before them, without the written authority of the Commissioner; and cases which have been decided by either the Commissioner or the examiners-in-chief will not be reopened by the primary examiner without like authority, and then only for the consideration of matters not already adjudicated upon, sufficient cause being shown. (See Rule 67.)

138. Cases will be regarded as pending before a tribunal until appeal has been taken from its decision, or until the limit of appeal which must be fixed in contested cases has expired.

139. Cases which have been deliberately decided by one Commissioner will not be reconsidered by his successor except in accordance with the principles which govern the granting of new trials.

140. Upon receiving a petition which shall state concisely and clearly any proper question, which has been twice acted upon by the examiner, and which does not involve the merits of the case, or the rejection of a claim, and which shall also state the facts involved and the point or points to be reviewed, an order will be made fixing a time for hearing such petition by the Commissioner, and directing the examiner to report upon or answer the matters averred in such petition at least five days before such day of hearing.

141. In cases of interference parties have the same remedy by appeal to the examiners-in-chief and to the Commissioner as in *ex parte* cases; but no appeal lies in such cases from the decision of the Commissioner.

142. Appeals in interference cases must be accompanied with brief statements of the reasons therefor; and both parties will be required to file briefs of their arguments before the day of hearing. Printed briefs are in all cases preferred.



143. From the adverse decision of the Commissioner upon the claims of an application an appeal may be taken to the supreme court of the District of Columbia sitting *in banc*. On taking such appeal, the applicant is required, under the rules of the court, to pay to the clerk of the court a docket-fee of ten dollars, and he is also required by law to lay before the court certified copies of all the original papers and evidence in the case. The petition should be filed and the fee paid at least ten days before the commencement of the term of court at which the appeal is to be heard.

Rev. Stat., sec.  
4911.  
1878-47.  
Appeal to su-  
preme court of  
District of Co-  
lumbia.

144. Immediately upon taking an appeal the appellant must give notice thereof to the Commissioner of Patents, and file in the Patent Office his reasons of appeal specifically set forth in writing.

Rev. Stat., sec.  
4912.  
1878-47.  
Proceedings by  
appellant.

145. *Pro forma* proceedings will not hereafter be had in the Patent Office for the purpose of securing to applicants an appeal to the Supreme Court of the District of Columbia.

*Pro forma* pro-  
ceedings in Pat-  
ent Office.

(For Forms of Appeals and Rules of the Supreme Court of the District of Columbia respecting Appeals, see Appendix, Forms 34, 36.)

## HEARINGS AND INTERVIEWS.

146. Hearings will be had by the Commissioner at 10 o'clock a. m., and by the board of examiners-in-chief and the examiner of interferences at 1 o'clock p. m., on the day appointed, unless some other hour be specially designated. If either party in a contested case, or the appellant in an *ex parte* case, appear at the proper time, he will be heard by the examiner of interferences or the examiners-in-chief; but a contested case will not be taken up for oral argument after the day of hearing, except by consent of both parties. If the engagements of the tribunal having jurisdiction of the case be such as to prevent it from being taken up on the day of hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to one hour for each party. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the tribunal having jurisdiction of the case; and all interviews for this purpose with parties in interest or their attorneys will be invariably denied.

1878-49.  
Hour of hear-  
ing.

147. Interviews with examiners concerning applications and other matters pending before the office must be had at

Interviews with  
examiners.  
1878-133, 134.



such times, within office hours, as the respective examiners may designate, in the examiners' rooms, with the principal examiners, or, in their absence, with the assistants in charge; they will not be had at any other time or place without the written authority of the Commissioner.

**Same subject.** 148. Interviews for the discussion of pending applications will not be had prior to the first official action thereon.

### MOTIONS.

**1878—50. Notice.** 149. In contested cases reasonable notice of all motions, and copies of motion-papers and affidavits, must be served, as provided for in Rule 150 (2). Proof of such service must be made before the motion will be entertained by the office; and motions will not be heard in the absence of either party except upon default after due notice. Motions will be heard in the first instance by the officer or tribunal before whom the particular case may be pending; but an appeal from the decision rendered may be taken on questions involving the merits of the case to the board of examiners-in-chief; on other questions, directly to the Commissioner. In original hearings, on motions, the moving parties shall have the right to make the opening and closing arguments. In contested cases the practice on points to which the rules shall not be applicable will conform, as nearly as possible, to that of the United States courts in equity proceedings.

**Proof of serv. lce.**

**Jurisdiction.**

**Right to open and close.**

**Equity practice in cases to which rules do not apply.**

### TAKING AND TRANSMITTING TESTIMONY.

**Rev. Stat. sec. 4905. 1878—113.** 150. The following rules have been established for taking and transmitting testimony in extensions, interferences, and other contested cases:

**1878—113 (1). Notice.** (1.) Before the depositions of witnesses are taken by either party due notice shall be given to the opposite party, as hereinafter provided, of the time and place when and where the depositions will be taken, of the cause or matter in which they are to be used, and of the names and residences of the witnesses to be examined, so that the opposite party shall have full opportunity, either in person or by attorney, to cross-examine the witnesses. If the opposite party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived any objection to their examination based on want of notice thereof. Neither party shall take testimony in more than one place at the same time, or so nearly at the same time as not to allow reasonable time to travel from one place of examination to the other.

**Waiver.**

**Reasonable time for travel.**



such times, within office hours, as the respective examiners may designate, in the examiners' rooms, with the principal examiners, or, in their absence, with the assistants in charge; they will not be had at any other time or place without the written authority of the Commissioner.

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Waiver.

Reasonable  
time for travel.



(2.) The notice for taking testimony or for motions must be served (unless otherwise stipulated in an instrument in writing filed in the case) upon the attorney of record, if there be one, or, if there be no attorney of record, then upon the adverse party, and it must give the opposite party reasonable time to reach the place of examination. Such service may be made by delivering a copy of the notice to the adverse party or attorney, by leaving a copy at the usual place of business of the party or attorney with some one in the employment of such party or attorney, or by leaving a copy at the party's usual place of residence with a member of his family, or by transmission by registered letter, or by express, or when it shall be shown, to the satisfaction of the Commissioner, that neither of the other modes of service herein prescribed is practicable, by publication in the Official Gazette; and such notice shall, with sworn proof of the fact, time, and mode of service thereof, be attached to the deposition or depositions, whether the opposing party shall have cross-examined or not.

Service of notice.

1878—113 (2).

(3.) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition shall be taken. The depositions shall be carefully read over by the witness, or by the officer in his hearing, and shall then be subscribed by the witness, in the presence of the officer. The officer shall annex to the deposition his certificate showing (1) the due administration of the oath by the officer to the witness before the commencement of his testimony; (2) the name of the person by whom the testimony was written out, and the fact that, if not written by the officer, it was written in his presence; (3) the presence or absence of the adverse party; (4) the place, day and hour of commencing and taking the depositions; and (5) the fact that the officer was not connected, by blood or marriage, with either of the parties, nor interested directly or indirectly in the matter in controversy. The officer shall sign the certificate and affix thereto his seal of office, if he have such seal. He shall then, without delay, securely seal up all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate, giving the title of the case, the name of each witness, and the date of sealing, address the package, and forward the same to the Commissioner of Patents. If the weight or bulk of an exhibit shall exclude it from the envelope, it

Official certificate.

1878—113 (3).

Depositions to be sealed up, addressed, and forwarded to Commissioner.

Exhibits.



shall be authenticated by the officer and transmitted in a separate package, marked and addressed as above provided.

1878—113 (4).  
*Ex parte* proofs  
in extension  
cases.

(4.) In cases of extension, where no opposition shall be made, *ex parte* testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition will be received, unless taken within thirty days after filing the petition for the extension. But upon receiving notice of opposition, the applicant shall immediately give notice to the opposing party or parties of the names and residences of the witnesses whose testimony shall have been thus taken.

1878—113 (5).  
Motion to extend  
time for taking  
testimony.

(5.) If either party shall be unable to procure the testimony of a witness within the time limited, any motion which he may make for an extension of his time must be accompanied by a statement, under oath, of the cause of such inability, the name of such witness, the facts expected to be proved by him, the steps which have been taken to procure said testimony, and the dates at which efforts have been made to procure it. (See Rule 149.)

Caveat as evidence.  
1878—113 (6).  
Rev. Stat. sec.  
892.

(6.) When a party relies upon a caveat to establish the date of his invention, the caveat itself, or a certified copy thereof, must be filed in evidence, with due notice to the opposite party.

Official records  
and special matter  
offered in evidence.  
1878—113 (6).  
Rev. Stat. sec.  
892, 893.

(7.) Upon notice given to the opposite party before the closing of the testimony, any official record, and any special matter contained in a printed publication, if competent evidence and pertinent to the issue, may be used as evidence at the hearing.

1878—114.  
Formalities.

151. The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The testimony must be taken upon legal-cap or foolscap paper, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet.

1878—115.  
Formalities.

152. The testimony will be taken in answer to interrogatories, with the questions and answers committed to writing in their regular order by the officer, or, in his presence, by some person not interested in the case, either as a party thereto or as attorney. But, with the written consent of the parties, the depositions may be written out by other persons in the presence of the officer. No officer who is connected by blood or marriage with either of the parties, or interested, directly or indirectly, in the matter in contro-



versy, either as counsel, attorney, agent, or otherwise, is competent to take depositions, unless with the written consent of all the parties.

153. By leave of the Commissioner, first obtained, testimony may be taken in foreign countries:

Rev. Stat. secs.  
1750, 4905.  
Testimony  
taken in foreign  
countries.

(1.) Such permission will be granted only upon motion duly made. (See Rule 149.)

The motion must designate a place for the examination of the witnesses at which an officer duly qualified to take testimony under the laws of the United States in a foreign country shall reside, and it must be accompanied by a statement, under oath, that the motion is made in good faith, and not for purposes of delay or of vexing or harassing any party to the case; it must also set forth the names of the witnesses, the particular facts to which it is expected each will testify, and the grounds on which is based the belief that each will so testify.

Motion.

(2.) It must appear that the testimony desired is material and competent, and that it cannot be taken in this country at all, or cannot be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

Motion.

(3.) Upon the granting of such motion, a time will be set within which the moving party shall file in duplicate the interrogatories to be propounded to each witness and serve a copy of the same upon each adverse party, who may, within a designated time, file, in duplicate, cross-interrogatories. Objections to any of the interrogatories or cross-interrogatories may be filed at any time before the depositions are taken, and will be considered and determined upon the hearing of the case.

Interrogato-  
ries.  
Cross-interrog-  
atories.

Objections.

(4.) As soon as the interrogatories and cross-interrogatories are decided to be in proper form, the Commissioner will cause them to be forwarded to the proper officer, with the request that, upon payment of, or satisfactory security for, his official fees, he notify the witnesses named to appear before him within a designated time and make answer thereto under oath; and that he reduce their answers to writing, and transmit the same, under his official seal and signature, to the Commissioner of Patents, with the certificate prescribed in Rule 150 (3).

Papers sent to  
proper officer.

(5.) By stipulation of the parties the requirements of paragraph (3) as to written interrogatories and cross-interrogatories may be dispensed with, and the testi-

Stipulations.



Weight of testimony taken in foreign countries.

mony may be taken before the proper officer upon oral interrogatories by the parties or their agents.

(6.) Unless false swearing in the giving of such testimony before the officer taking it shall be punishable as perjury, under the laws of the foreign state where it shall be taken, it will not stand on the same footing, in the patent office, as testimony duly taken in the United States; but its weight in each case will be determined by the tribunal having jurisdiction of such case.

1878—116.  
Evidence on hearing.

154. No evidence touching the matter at issue will be considered on the hearing which shall not have been taken and filed in compliance with these rules. But no notice will be taken of any merely formal or technical objection which shall not appear to have wrought a substantial injury to the party raising it; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof to the office, and also to the opposite party, informing him at the same time that, unless it should be removed, he should urge his objection at the hearing. This rule is not to be so construed as to modify established rules of evidence, which will be applied strictly in all practice before the office.

Formal objections to evidence.

Rules of evidence.

1878—117.  
Rev. Stat. sec. 1906.  
Subpœnas.

155. The law requires the clerks of the various courts of the United States to issue subpœnas to secure the attendance of witnesses whose depositions are desired as evidence in contested cases in the patent office.

1878—118.  
Inspection.

Printing.

156. After testimony is filed in the office it may be inspected by any party to the case, but it cannot be withdrawn for the purpose of printing. It may be printed by some one specially designated by the office for that purpose, under proper restrictions.

1878—118.  
Copies.

157. Six or more printed copies of the testimony must be furnished—five for the use of the office, and one for the use of each of the opposing parties. The statement required by Rule 105 must be printed as a part of the record. These copies must be filed not less than one week before the day of hearing. They will have wide margins, with the names of the witnesses at the top of the pages over their testimony, and will contain indexes with the names of all witnesses, and references to the pages where their testimony may be found, and also to the pages where copies of papers and documents introduced as exhibits are shown. Printing can only be dispensed with on special application based upon satisfactory reasons, in which case manuscript copies must be furnished—one for the office and one for each adverse party.

Printing dispensed with.

1878—118.  
Filing of briefs and arguments.

158. It is desirable that arguments and briefs in all contested cases should be submitted in printed form, and filed



before the hearing. If either party fail to comply with this regulation, no extension of time will be granted for the purpose, except upon consent of the adverse parties.

### ISSUE.

159. If, on examination, it shall appear that the applicant is justly entitled to a patent under the law, a notice of allowance will be sent him, calling for the payment of the final fee, upon the receipt of which, within the time fixed by law, the patent will be prepared for issue. (See Rules 212, 213.)

Rev. Stat. sec.  
4893.  
Notice of allowance.

160. After notice of the allowance of an application is given, the case will not be withdrawn from issue except by approval of the Commissioner, and if withdrawn for further action on the part of the office, a new notice of allowance will be given. When the final fee has been paid upon an application for letters patent, and the case has received its date and number, it will not be withdrawn or suspended from issue on account of any mistake or change of purpose of the applicant or his attorney, nor for the purpose of enabling the inventor to procure a foreign patent, nor for any other reason except mistake on the part of this office, or fraud, or illegality in the application, or for interference. (See Rule 77.)

Withdrawal  
from issue.

New notice.

### DATE, DURATION, AND FORM OF PATENTS.

161. Every patent will bear date as of a day not later than six months from the time at which the application was passed and allowed and notice thereof was mailed to the applicant or his agent, if within that period the final fee be paid to the Commissioner of Patents, or if it be paid to the treasurer, or any of the assistant treasurers or designated depositaries of the United States, and the certificate promptly forwarded to the Commissioner of Patents; and if the final fee be not paid within that period, the patent will be withheld. (See Rule 169.)

Rev. Stat. secs.  
4885, 4935.  
1878—38.  
Date of patent.

Final fee.

Patent withheld.

A patent will not be antedated.

Never antedated.

162. Every patent will contain a short title of the invention or discovery, indicating its nature and object, and a grant to the patentee, his heirs and assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States and the Territories thereof. But if the invention shall have been previously patented abroad, the term of the patent will expire with the term of the foreign patent. The duration of a design patent may be for the term of three and a half, seven, or fourteen years, as provided in Rule 79.

Rev. Stat. sec.  
4884.

Title of the invention.  
Grant.  
Term.

Expiration in case of foreign patent.  
Term of design patent.



A copy of the specification and drawings will be annexed to the patent and form part thereof.

### DELIVERY.

**Delivery of patent.** 163. The patent will be delivered or mailed, on the day of its date, to the patentee, unless there be an attorney of record, in which case it will be delivered to him or the patentee, as the attorney may request; but it will not, without a special request to that effect, be delivered to an associate or substitute attorney.

### CORRECTION OF ERRORS IN LETTERS PATENT.

**Correction of mistakes incurred through fault of the office.** 164. Where a mistake, incurred through the fault of the office, is clearly disclosed by the records or files of the office, a certificate, showing the fact and nature of such mistake, signed by the Secretary of the Interior, countersigned by the Commissioner of Patents, and sealed with the seal of the patent office, will, at the request of the patentee or his assignee, be indorsed without charge upon the letters patent, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the specification and drawings.

**Reissue.** Where a mistake, incurred through the fault of the office, constitutes a sufficient legal ground for a reissue, such reissue will be made, for the correction of such mistake only, without charge of office fees, at the request of the patentee.

**Not incurred through the fault of the office.** Mistakes not incurred through the fault of the office, and not affording legal grounds for reissues, will not be corrected after the delivery of the letters patent to the patentee or his agent.

No changes or corrections will be made in letters patent after the delivery thereof to the patentee or his agent, except as above provided.

### ABANDONED, FORFEITED, AND RENEWED APPLICATIONS.

**Rev. Stat. sec. 4894.** 165. An abandoned application is one which has not been completed and prepared for examination within two years after the filing of the petition, or which the applicant has failed to prosecute within two years after any action therein, of which notice has been duly given (see Rules 31 and 76), or which the applicant has expressly abandoned by filing, in the office, a written declaration of abandonment, signed by himself (and assignee, if any), identifying his application by title of invention and date of filing. (See Rule 59.)



Prosecution of an application, to save it from abandonment, must include such proper action as the condition of the case may require.

166. Before an application abandoned by failure to complete or prosecute can be renewed, it must be shown to the satisfaction of the Commissioner that the delay in the prosecution of the same was unavoidable.

167. When a new application is filed in place of an abandoned or rejected application, a new specification, oath, drawing, and fee will be required; but the old model, if suitable, may be used.

168. A forfeited application is one upon which a patent has been withheld for failure to pay the final fee within the prescribed time. (See Rule 161.)

169. Where the patent has been withheld by reason of non-payment of the final fee, any person, whether inventor or assignee, who has an interest in the invention for which such patent was ordered to issue, may file a new application for the same invention; but such second application must be made within two years after the allowance of the original application. Upon the hearing of such new application abandonment will be considered as a question of fact.

170. In such renewal the oath, petition, specification, drawing, and model of the original application may be used for the second application; but a new fee will be required. The second application will not be regarded as a continuation of the original one, but will bear date from the time of renewal, and be subject to examination like an original application.

171. Forfeited and abandoned applications will not be cited as references.

No notice will be given to applicants while their cases remain forfeited of the filing of subsequent applications.

Certified copies of the files in cases of rejected and abandoned applications may be furnished to applicants or to other persons when specifically ordered by the Commissioner.

Prosecution.  
1876-82.

1878-81.  
Renewal.  
Rev. Stat. sec.  
4924.

1878-81.  
Old model re-  
ceived.

Forfeited ap-  
plication.

Rev. Stat. sec.  
4927.

1878-81.  
New applica-  
tion after non-  
payment of final  
fee.

Old application  
received.  
1878-81.

Not cited as  
references.  
Copies and in-  
spection.  
1878-85.



Prosecution of an application, to save it from abandonment, must include such proper action as the condition of the case may require.

Prosecution.  
1878—39.

166. Before an application abandoned by failure to complete or prosecute can be renewed, it must be shown to the satisfaction of the Commissioner that the delay in the prosecution of the same was unavoidable.

1878—41.  
Renewal.  
Rev. Stat. sec  
4894.

167. When a new application is filed in place of an abandoned or rejected application, a new specification, oath, drawing, and fee will be required; but the old model, if suitable, may be used.

1878—40.  
Old model received.

168. A forfeited application is one upon which a patent has been withheld for failure to pay the final fee within the prescribed time. (See Rule 161.)

Forfeited application.

169. Where the patent has been withheld by reason of non-payment of the final fee, any person, whether inventor or assignee, who has an interest in the invention for which such patent was ordered to issue, may file a new application for the same invention; but such second application must be made within two years after the allowance of the original application. Upon the hearing of such new application abandonment will be considered as a question of fact.

Rev. Stat. sec.  
4897.  
1878—41.  
New application after non-payment of final fee.

170. In such renewal the oath, petition, specification, drawing, and model of the original application may be used for the second application; but a new fee will be required. The second application will not be regarded as a continuation of the original one, but will bear date from the time of renewal, and be subject to examination like an original application.

Old application received.  
1878—40.

171. Forfeited and abandoned applications will not be cited as references.

Not cited as references.  
Copies and inspection.  
1878—35.

No notice will be given to applicants while their cases remain forfeited of the filing of subsequent applications.

Certified copies of the files in cases of rejected and abandoned applications may be furnished to applicants or to other persons when specifically ordered by the Commissioner.



## EXTENSIONS.

- Rev. Stat. sec. 4924. 172. No patent granted since March 2, 1861, can be extended except by act of Congress.
- 1878—69. 173. When a patent has been so extended, subject to the further decision of the Commissioner, the subsequent proceedings will be conducted in accordance with the following rules:
- 1878—70. 174. Any person may oppose an application for extension, but must give notice of such opposition to the applicant or his attorney of record within the time hereinafter named, and furnish him with a statement of his reasons of opposition. After such notice he will be regarded as a party in the case, and will be entitled to notice of the time and place of taking testimony, to a list of the names and residences of the witnesses whose testimony may have been taken before service of his notice of opposition, and to a copy of the application and of any other papers on file, upon payment of the cost thereof. He must also immediately file a copy of such notice and reasons of opposition, with proof of service of the same, in the patent office.
- Proceedings. 175. If the extension is opposed on the ground of lack of novelty in the invention, the reasons of opposition must contain a specific statement of any and all matter relied upon for this purpose.
- 1878—71. Opponent. Notice. 176. The applicant for an extension must furnish to the office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures on account thereof, both in this and in foreign countries. This statement must be detailed and particular, unless sufficient reasons are shown for a failure to make it so. It must in all cases be filed with the petition.
- Reasons. 177. Such statement must also be accompanied with a certified abstract of title and a declaration under oath, setting forth the extent of the applicant's interest in the extension sought.
- Rights of opponent. 178. The questions which arise on each application for an extension are:
- Filing copy of notice and reasons. (1.) Was the invention new and useful when patented?
- 1878—71. Lack of novelty. (2.) Is it valuable and important to the public, and to what extent?
- 1878—72. Sworn statement of applicant. 1878—73. Questions involved.
- Rev. Stat. sec. 4924. 1878—72. Abstract of title. Rev. Stat. sec. 4928. 1878—73. Questions involved.
- Rev. Stat. sec. 4297.



(3.) Has the inventor been reasonably remunerated for the time, ingenuity, and expense bestowed upon the invention, and upon its introduction into use? If not has his failure to be so remunerated arisen from neglect or fault on his part?

(4.) What will be the effect of the proposed extension upon the public interests?

179. No proof will be required from the applicant upon the first question unless the invention is assailed upon those points by opponents. 1878—73.  
Proof on first point.

180. To enable the Commissioner to come to a correct conclusion in regard to the second point of inquiry, the applicant must, if possible, present the testimony of disinterested persons taken under oath. This testimony must distinguish carefully between the specific devices covered by the claims of the patent and the general machine in which those devices may be incorporated. 1878—73.  
On second point.

181. Upon the third point of inquiry the applicant, having by his own oath shown his receipts and expenditures on account of the invention, must also show, by testimony under oath, that he has taken all reasonable measures to introduce his invention into general use; and that, without neglect or fault on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and on its introduction into use. 1878—73.  
On third point.

182. In case of opposition to the extension of a patent both parties may take testimony, each giving reasonable notice to the other of the time and place of taking the same. The testimony will be taken according to the rules hereinafter prescribed. 1878—74.  
Rules for taking testimony.

183. Any person desiring to oppose an extension must serve his notice of opposition, and file his reasons therefor, at least ten days before the day fixed for the closing of the testimony; but parties who have not entered formal opposition in time to put in testimony may, at the discretion of the Commissioner, be permitted to appear on the day of hearing, and make argument upon the record in opposition to the grant of the extension. In such case good cause for the neglect to make formal opposition must be shown. 1878—75.  
Service of notice of opposition and filing of reasons.

184. In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition for the extension. 1878—76.  
Testimony excluded.

185. Service of notice to take testimony must be made as provided for in Rule 150 (2). Where notice to take testimony has already been given to an opponent, and a new 1878—77.  
Service of notice to take testimony.



opponent subsequently gives notice of his intention to oppose, the examination need not be postponed, but notice thereof may be given to such subsequent opponent by mail or by telegraph. But this rule does not apply to *ex parte* examinations, nor to those of which no notice is given before service of notice of opposition.

1878—78.  
Day of hearing.

Rev. Stat. sec.  
4295.

Postponement.

Rev. Stat. sec.

4296.

Reference to  
examiner.

Arguments.

Briefs.

186. In the notice of application for extension a day will be fixed for the closing of testimony, and the day of hearing will also be named. Applications for postponement of the day of hearing, or for further time for taking testimony, must be made and supported in accordance with the rules to be observed in other contested cases; but no postponement will be granted whereby any risk of delaying the decision until the expiration of the patent may be incurred. Upon the closing of the testimony the application will be referred without delay to the examiner in charge of the class to which the invention belongs for the report required by law; and such report shall be made not less than five days before the day of hearing. As this report is intended for the information of the Commissioner, neither the parties nor their attorneys will be permitted to make oral arguments before the examiner. In contested cases briefs are deemed desirable, and these should always be filed at least five days before the day of hearing.

### DISCLAIMERS.

Rev. Stat. sec.  
4917.

1878—68.  
Grounds, form,  
and effect.

Rev. Stat. sec.  
4922.

187. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of such parts of the thing patented as he or they shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the patent office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of filing the same, except as to the question of unreasonable neglect or delay in filing it.



188. Such disclaimers must be distinguished from those which are embodied in original or reissue applications, as at first filed or subsequently amended, referring to matter shown or described, but to which the disclaimant does not choose to claim title, and also from those made to avoid the continuance of interferences, which require no fee, but must, like all other disclaimers, be signed by the applicants in person and duly witnessed. (See Rule 104. For Forms of Disclaimers, see Appendix, Forms 27, 28.)

1878—68.  
Different kinds  
of disclaimers.

### CAVEATS.

189. A caveat, under the patent law, is a notice given to the office of the caveator's claim as inventor, in order to prevent the grant of a patent to another for the same alleged invention upon an application filed during the life of the caveat without notice to the caveator.

Definition.

190. Any citizen of the United States who has made a new invention or discovery and desires further time to mature the same, may, on payment of a fee of ten dollars, file in the patent office a caveat setting forth the object and the distinguishing characteristics of the invention, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof.

Rev. Stat. sec.  
4902.  
1878—92.  
Qualification of  
caveator.

191. An alien has the same privilege, if he has resided in the United States one year next preceding the filing of his caveat, and has made oath of his intention to become a citizen.

Preserved in  
secrecy.

Resident alien.  
Rev. Stat. sec.  
4902.  
1878—92.

192. The caveat must comprise a specification, oath, and, when the nature of the case admits of it, a drawing, and, like the application, must be limited to a single invention or improvement.

Requisites.  
1878—92, 94, 97.

193. The same particularity of description is not required in a caveat as in an application for a patent; but the caveat must set forth the object of the invention and the distinguishing characteristics thereof, and it should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is filed. If upon examination a caveat be found defective in this respect, amendment will be required. Without compliance with Rules 190, 192, 193, and 195, the caveator will not be entitled to the notice provided for in Rule 196.

1878—95.  
Particularity.  
Rev. Stat. sec.  
4902.

Amendment.

194. The oath of the caveator must set forth that he is a citizen of the United States, or, if he be an alien, that he has resided for one year last past within the United States, and

1878—92, 94.  
Oath.  
Rev. Stat. sec.  
4902.



has made oath of his intention to become a citizen thereof, and that he believes himself the original and first inventor of the art, machine, or improvement set forth in his caveat.

1878-97.  
Drawings.

195. When practicable, the caveat should be accompanied by full and accurate drawings, separate from the specification, well executed on tracing muslin or paper that may be folded. (See Rule 50.)

Rev. Stat. sec.  
4982.  
1878-92.

Notice of interfering application.

196. If at any time within one year after the filing or renewal of a caveat another person shall file an application with which such caveat would in any manner interfere, and if, within the year, the application shall be found patentable, then such application will be suspended, and notice thereof will be sent to the person filing the caveat, who, if he shall file a complete application within the prescribed time, will be entitled to an interference with the previous application, for the purpose of proving priority of invention, and obtaining the patent, if he be adjudged the prior inventor. The caveator, if he would avail himself of his caveat, must file his application within three months from the expiration of the time regularly required for the transmission to him of the notice deposited in the post-office at Washington; and the day when the time for filing expires will be mentioned in the notice or indorsed thereon.

Application by caveator.

1878-93.  
No notice of application pending or filed after expiration of one year.

Renewal.

197. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of the filing or renewal thereof. The caveat may be renewed by the payment of a second caveat fee of ten dollars, and it will continue in force for one year from the date of the payment of such second fee. Subsequent renewals may be made with like effect. If a caveat be not renewed, it will still be preserved in the secret archives of the office.

Effect of caveat.

198. A caveat confers no rights and affords no protection except as to notice of an interfering application filed during its life, giving the caveator the opportunity of proving priority of invention if he so desires. It may be used as evidence in contests, as provided in Rule 150 (6).

Assignment.

199. There is no provision of law making the caveat assignable, although the alleged invention therein set forth is assignable, and the caveat may be used as means of identifying the invention transferred in an assignment.

1878-96.  
Withdrawal.  
Copies.

200. Caveat papers cannot be withdrawn from the office after they have once been filed; but copies of the papers may be obtained at the usual rates by the caveator or any person duly authorized by him. Additional papers, if con-



taining new matter, must be filed as a separate caveat with another fee. (For Caveat Forms, see Appendix, Forms 10, 16.)

### ASSIGNMENTS.

201. Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States.

Rev. Stat. sec.  
4898.  
Assignability  
of patents.  
1878—98, 102,  
104

202. Interests in patents may be vested in assignees, in grantees of exclusive sectional rights and mortgagees, and in licensees.

Modes of trans-  
fer.

(1.) An assignee is a transferee of the whole interest of the original patent, or of an undivided part of such whole interest, extending to every portion of the United States. The assignment must be written or printed and duly signed.

Assignees.

(2.) A grantee acquires by the grant the exclusive right, under the patent, to make and use, and to grant to others the right to make and use, the thing patented, within and throughout some specified part of the United States, excluding the patentee therefrom. The grant must be written or printed and duly signed.

1878—102.  
Grantees.

(3.) A mortgage must be written or printed and duly signed.

Mortgages.

(4.) A licensee takes an interest less than or different from either of the others. A license may be oral, or written or printed and duly signed.

1878—104.  
Licensees.

203. An assignment, grant, or conveyance will be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless recorded in the patent office within three months from the date thereof.

Rev. Stat. sec.  
4898.  
1878—103.  
Record.

204. No instrument will be recorded which does not, in the judgment of the Commissioner, amount to an assignment, grant, mortgage, lien, encumbrance, or license, or affect the title of the patent or invention to which it relates.

1878—99.  
Record.

205. Assignments which are made conditional on the performance of certain stipulations, as the payment of money, if recorded in the office, are regarded as absolute assignments, until canceled with the written consent of both parties, or by the decree of a competent court. The office has no means of determining whether such conditions have been fulfilled.

Conditional as-  
signments.

206. In every case where it is desired that the patent shall issue to an assignee, the assignment must be recorded in the patent office at a date not later than the day on which

1878—100.  
Issue to as-  
signee.



Date of receipt is date of record. the final fee is paid. The date of the record is the date of the receipt of the assignment at the office.

1878-105.  
Receipt, record,  
and return of as-  
signments.

207. The receipt of assignments is not generally acknowl-  
edged by the office. They are recorded in regular order as  
promptly as possible, and then transmitted to the persons  
entitled to them. (For Form of Assignment, see Appendix,  
Forms 37-42.)

### OFFICE FEES.

1878-106.  
Payable in ad-  
vance.

208. Nearly all the fees payable to the patent office are  
positively required by law to be paid in advance—that is,  
upon making application for any action by the office for  
which a fee is payable. For the sake of uniformity and  
convenience, the remaining fees will be required to be paid  
in the same manner:

1878-137.  
Schedule.

209. The following is the schedule of fees and of prices of  
publications, &c., of the Patent Office:

Rev. Stat. secs.  
4933, 4933, 4934.

Rev. Stat. sec.  
4934.

On filing each original application for a design pat- ent for three years and six months .....	\$10 00
On filing each original application for a design pat- ent for seven years .....	15 00
On filing each original application for a design pat- ent for fourteen years .....	30 00
On allowance of an application for a design patent, no further charge.	
On filing each caveat .....	10 00
On filing each original application for a patent....	15 00
On allowance of an original application for a pat- ent, except in design cases .....	20 00
On filing each disclaimer .....	10 00
On filing every application for the reissue of a pat- ent .....	30 00
On filing each application for a division of a reissue.	30 00
On allowance of an application for the reissue of a patent, no further charge.	
On filing every application for an extension of a patent .....	50 00
On the granting of every extension of a patent....	50 00
On filing an appeal from a primary examiner to the examiners-in-chief .....	10 00
On filing an appeal from the examiners-in-chief to the Commissioner .....	20 00
For manuscript copies of records in the English language, for every one hundred words or fraction thereof .....	10
If certified, for the certificate additional .....	25



For copies of drawings not in print, the reasonable cost of making them.

For uncertified copies of the specifications and accompanying drawings of all patents which are in print:

Rev. Stat. sec  
493.

Single copies.....	25
Twenty copies or more, whether of one or several patents, per copy.....	10
For twenty coupon orders, each coupon good until used for one copy of a printed specification and drawing* .....	2 00
For certified copies of patents, whether in manuscript or in print:	
For the specification, for every one hundred words or fraction thereof.....	10
For the drawings, if in print .....	25
For the drawings, if not in print, the reasonable cost of making them, as above.	
For the certificate .....	25
For the grant .....	50
For certifying to a duplicate of a model .....	50
For abstracts of title to patents or inventions:	
For the certificate of search.....	1 00
For each brief from the digests of assignments.	20
For copies of matter in any foreign language, for every one hundred words or fraction thereof ....	20
For translation, for every one hundred words or fraction thereof.....	50
For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under.....	1 00
For recording every assignment, agreement, power of attorney, or other paper of over three hundred words and under one thousand words .....	2 00
For recording every assignment, agreement, power of attorney, or other paper of over one thousand words .....	3 00
For assistance to attorneys and others in the examination of records, one hour or less.....	50
Each additional hour or fraction thereof .....	50

\* NOTE.—For the convenience of the office and of persons desiring printed copies of specifications and drawings, blank orders, or “coupons,” have been prepared, which will be sold, on application to the chief clerk, at the rate of 10 cents each, in lots of 20 or more. Stub-books containing 50 or 100 such orders can be furnished at the same rate



For assistance to attorneys in the examination of patents or other matter in the scientific library, one hour or less .....	
Each additional hour or fraction thereof .....	1 00
For subscription to the OFFICIAL GAZETTE, published every Tuesday, all subscriptions to commence with the beginning of a volume, none being taken for a less period than three months, and there being no club rates or discount to newsdealers, as follows:	1 00
To all subscribers within the United States and Canada, one year .....	5 00
To foreign subscribers, except in Canada .....	7 00
Single numbers .....	10
For bound volumes of the OFFICIAL GAZETTE:	
Semi-annual volumes, from January 1, 1872, to June 30, 1883, full sheep binding, per volume..	4 00
Do. Half sheep binding, per volume .....	3 50
Quarterly volumes subsequent to July 1, 1883, full sheep binding, per volume .....	2 75
For the annual index—lists of patentees and inventions, alphabetically arranged, with date of patent, number, &c., from January, 1872—one volume each year, full law binding, per volume .....	2 00
In paper covers, per volume .....	1 00
For the general index—a list of inventions patented from 1790 to 1873, with the name of inventor, residence, date of patent, number, &c.—three volumes, full law binding, per set .....	10 00
For the index from 1790 to 1836—a list of inventions patented from 1790 to 1836, photolithographed from Patent Office Reports—one volume, full law binding .....	5 00
For the monthly volumes, containing the specifications and photolithographed copies of the drawings of all patents issued during the month, certified, bound full sheep, per volume .....	12 00
Do. Bound half sheep, per volume .....	10 00
For the Index to Patents Relating to Electricity, granted by the United States prior to June 30, 1882, one volume, two hundred and fifty pages, bound..	5 00
In paper covers .....	3 00
Appendix from June 30, 1882, to June 30, 1883, paper covers .....	1 50
For Commissioner's Decisions:	
For 1869-'70-'71, bound in one volume, full law binding .....	2 00



For 1872-'73-'74, bound in one volume, full law binding .....	2 00
For 1875-'76, bound in one volume, with decisions of United States courts in patent cases, full law binding .....	2 00
For 1875-'76, bound in paper covers .....	1 00
For 1877-'78-'79-'80-'81-'82-'83, one volume each year, with decisions of United States courts, full law binding, per volume.....	2 00
For 1877-'78-'79-'80-'81-'82-'83, bound in paper covers .....	1 00
For pamphlet of the Rules of Practice.....	Free.
For pamphlet of the patent laws .....	Free.
There are no annual reports for gratuitous distribution.	

210. An order for a copy of an assignment must give the liber and page of the record, as well as the name of the inventor; otherwise an extra charge will be made for the time consumed in making any search for such assignment.

211. No person will be allowed to make copies or tracings from the files or records of the office. Such copies will be furnished, when ordered, at the rates already specified.

212. The money required for office fees may be paid to the Commissioner, or to the Treasurer, or any of the assistant treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the patent office. When this cannot be done without much inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. Letters containing money may be registered. Post-office money-orders now afford a safe and convenient mode of transmitting fees. All such orders should be made payable to the "Commissioner of Patents."

213. The weekly issue will close on Thursday, and the patents of that issue will bear date as of the third Tuesday thereafter. If the final fee in any application is not paid on or before Thursday, the patent will not go to issue until the following week.

214. All money sent by mail, either to or from the patent office, will be at the risk of the sender. In no case should money be sent inclosed with models. All payments to or by the office must be made in specie, treasury-notes, national-

1878-107.  
Orders for  
copies.

1878-108.  
Copies and  
tracings made by  
office only.

Rev. Stat. sec.  
4935.  
1878-109.  
Mode of pay-  
ment.

Registered let-  
ters.  
Money-orders.

1878-109.  
Weekly issue  
and final fee.

1878-110.  
Remittances by  
mail.

Funds.



bank notes, certificates of deposit, or post-office money orders.

#### REPAYMENT OF MONEY.

Rev. Stat. sec. 215. Money paid by actual mistake, such as a payment  
486. 1878—111. in excess, or when not required by law, or by neglect or  
Money paid by mistake re- misinformation on the part of the office, will be refunded;  
funded. but a mere change of purpose after the payment of money,  
as when a party desires to withdraw his application for a  
patent, or for the registration of a trade-mark, or an appeal,  
will not entitle a party to demand such a return.

#### PUBLICATIONS.

Rev. Stat. sec. 216. The "Official Gazette," a weekly publication which  
489. Official Ga- has been issued since 1872, takes the place of the old  
zette. "Patent-Office Report." It contains the claims of all patents  
Contents. issued, including reissues, with portions of the drawings  
selected to illustrate the claims, and also lists of design  
patents, together with decisions of the courts and of the  
Commissioner, and other special matters of interest to  
inventors.

Subscription. The Gazette is furnished to subscribers at the rate of \$5  
per annum. When it is sent abroad an additional charge  
of \$2 will be made for the payment of postage. But repre-  
sentatives and senators are each entitled to designate eight

Public libraries. public libraries to which it will be sent without charge.

Single copies. Single copies are furnished for 10 cents each.

Annual index. An index is published annually, which is sent to all sub-  
scribers and designated libraries without additional cost.

Rev. Stat. sec. Printed volumes are issued monthly, containing the entire  
490. Monthly vol- specifications and drawings of all patents issued during  
umes. the previous month. These are authenticated by the seal  
Authentication. of the office, and may be used as evidence throughout the

Depositories. United States. One copy is deposited in each State library,  
and one copy in the custody of the clerk of each United  
States district court, for general reference.

#### LIBRARY REGULATIONS.

Rev. Stat. sec. 217. No persons are allowed to enter the alcoves, or take  
486. 1878—136. books from the library, except officers of the bureau and  
Removal of members of the examining corps.  
books.

Registration and return. All books taken from the library must be entered in a  
register kept for the purpose, and returned on the call of  
the librarian.

Loss or injury. Any book lost or defaced must be replaced by a copy of  
the same.



Patentees and others doing business with the office can examine the books only in the library hall. Use by the public.

Translations will be made only for official use.

Persons will be allowed to make notes or extracts, but not copies or tracings from works in the library. Such copies will be furnished at the usual rates. Translations.  
Extracts, copies, and tracings.

### AMENDMENTS OF THE RULES.

218. All amendments of the foregoing rules will be published in the Official Gazette.

NOTE.—Rules 101, 116, 117, 118, 120, and 171 of those amended subsequent to the revision of December 1, 1879, and prior to the revision of September 1, 1880, were approved by A. Bell, Acting Secretary of the Interior.

Rules 39, 46, 85, 86, 94, 124, and 171, amended subsequent to the revision of September 1, 1880, and prior to the revision of April 15, 1882, were approved by S. J. Kirkwood, Secretary of the Interior.

Rules 20, 26, 39, 47, and 59, amended subsequent to the provision of April 15, 1882, and prior to the revision of February 1, 1883, were approved by H. M. Teller, Secretary of the Interior.

Rules 26 and 165, amended by Commissioner Marble, and Rule 20, amended by Commissioner Butterworth, subsequent to the revision of February 1, 1883, and prior to the revision of November 15, 1883, were approved by H. M. Teller, Secretary of the Interior.

Rules 26, 62, and 209, amended subsequent to the revision of November 15, 1883, and prior to the revision of March 1, 1884, were approved by H. M. Teller, Secretary of the Interior.

Rules 35, 67, 137, and 138, amended subsequent to the revision of March 1, 1884, and prior to the revision of August 12, 1884, were approved by M. L. Joslyn, Acting Secretary of the Interior.

Rules 53, 94, 97, 102, 104, 105, 106, 107, 116, 119, 126, 157, and 171, amended subsequent to the revision of August 12, 1884, and prior to the revision of March 3, 1885, were approved as follows:

Rule 53, by H. M. Teller, Secretary of the Interior, and 94, 97, 102, 104, 105, 106, 107, 116, 119, 126, 157, and 171, by M. L. Joslyn, Acting Secretary of the Interior.

Rules 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 47, 86, 140, 144, and 145 amended subsequent to the revision of March 3, 1885, and prior to the revision of November 16, 1885, were approved by H. L. Muldrow, Acting Secretary of the Interior.







# APPENDIX OF FORMS.

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## PETITIONS.

### 1. BY A SOLE INVENTOR.

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at S., in the county of M., and State of N. [or subject, &c.], prays that letters patent be granted to him for the improvement in sewing-machines set forth in the annexed specification.

A. B.

### 2. BY JOINT INVENTORS.

*To the Commissioner of Patents :*

Your petitioners, A. B. and C. D., citizens of the United States residing respectively at L., in the county of M., and State of N., and at G., in the county of H., and State of I. [or subject, &c.], pray that letters patent may be granted to them, as joint inventors, for the improvement in washing-machines set forth in the annexed specification.

A. B.

C. D.

### 3. BY AN INVENTOR FOR HIMSELF AND AN ASSIGNEE.

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], prays that letters patent may be granted to himself and C. D., a citizen of the United States residing at L., in the county of M., and State of N., as his assignee, for the improvement in printing-presses set forth in the annexed specification.

A. B.

### 4. PETITION WITH POWER OF ATTORNEY.

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], prays that letters patent may be granted to him for the improvement in lamps set forth in the annexed specification; and he hereby appoints C. D.,\* of the city

\* If the power of attorney is to a firm, the name of each member of the firm must be given in full.



of R., State of S., his attorney, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the patent office connected therewith.

A. B.

#### 5. BY AN ADMINISTRATOR.

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], administrator of the estate of C. D., late a citizen of S., deceased (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said C. D. (improvement in fire-hose) set forth in the annexed specification.

A. B., *Administrator, &c.*

#### 6. BY AN EXECUTOR.

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], executor of the last will and testament of C. D., late a citizen of S., deceased (as by reference to the duly certified copy of letters testamentary, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said C. D. (improvement in churns), set forth in the annexed specification.

A. B., *Executor, &c.*

#### 7. FOR A REISSUE (BY THE INVENTOR).

*To the Commissioner of Patents :*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], prays that he may be allowed to surrender the letters patent for an improvement in coal-scuttles, granted to him May 16, 1867, whereof he is now sole owner [or whereof C. D., on whose behalf and with whose assent this application is made, is now sole owner, by assignment], and that letters patent may be reissued to him [or the said C. D.] for the same invention, upon the annexed amended specification. With this petition is filed an abstract of title, duly certified, as required in such cases.

A. B.

#### ASSENT OF ASSIGNEE TO REISSUE.

The undersigned, assignee of the entire [or of an undivided] interest in the above-mentioned letters patent, hereby assents to the accompanying application.

C. D.



## 8. FOR A REISSUE (BY ASSIGNEE).

(To be used only when the inventor is dead or the original patent was issued and assigned prior to July 8, 1870.)

*To the Commissioner of Patents:*

Your petitioners, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], and C. D., a citizen of the United States residing at H., in the county of I., and State of K. [or subject, &c.], pray that they may be allowed to surrender the letters patent for an improvement in coal-scuttles, granted May 16, 1867, to E. F., now deceased, whereof they are now owners, by assignment, of the entire interest, and that the letters patent may be reissued to them for the same invention, upon the annexed amended specification. With this petition is filed an abstract of title [or an order for making and filing the same, &c.].

A. B.

## 9. FOR LETTERS PATENT FOR A DESIGN.

*To the Commissioner of Patents:*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], prays that letters patent may be granted to him for the term of three and one-half years [or seven years, or fourteen years]\* for the new and original design for carpets set forth in the annexed specification.

A. B.

## 10. CAVEAT.

The petition of A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c., see Rule 191], represents:

That he has made certain improvements in cotton-gins, and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the patent office.

A. B.

## 11. FOR THE RENEWAL OF A FORFEITED APPLICATION.

*To the Commissioner of Patents:*

Your petitioner, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], represents that on May 8, 1868, he filed an application for letters patent for an improvement in fences, serial number 885, which application was allowed July 7, 1868, but that he failed to make payment of the final fee within the

\*Sec. 4931 R. S. requires the election to be made in the original application.



time allowed by law. He now makes renewed application for letters patent for said invention, and prays that the original specification, oath, drawings, and model may be used as a part of this application.

A. B.

### SPECIFICATIONS.

#### 12. FOR AN ART OR PROCESS.

*To all whom it may concern :*

Be it known that I, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [for subject, &c.], have invented certain new and useful improvements in purifying and increasing the illuminating power of gas without appreciable loss of bulk (for which I have received letters patent in England, No. 750, dated July 6, 1878\*) and I do hereby declare that the following is a full, clear, and exact description of the invention, which will enable others skilled in the art to which it appertains to make and use the same.

Heretofore gas has been purified by passing it through animal charcoal; but when this is used alone, after a short time it loses its power of absorbing impurities, and must then be washed with steam or water, or have atmospheric air blown through it, or be revived by heat. Used alone, animal charcoal also reduces the candle-power of the gas passed through it and diminishes its bulk.

The object of my invention is thoroughly to purify illuminating-gas, to make the operation continuous, and to purify the gas without detracting from its illuminating power, and without causing any appreciable diminution in bulk; and to this end my invention consists in increasing the power of animal charcoal to eliminate from illuminating-gas those substances which are considered impurities, in charging the charcoal with a substance which will prevent it from depriving the gas of illuminants, and in passing the gas to be purified with atmospheric air through the animal charcoal.

To carry my invention into effect, I moisten the charcoal (which may be either new or spent) with coal-tar, or with coal-tar and water, or in some cases with water only, and then charge this mass into one or more vessels, which then constitute the purifiers. I may put the mass into the vessels while still wet, or, unless water alone is used, after it has dried. Through these vessels the gas is to pass; but before it is admitted I introduce into it at the retorts, or at the stand-pipe or mains beyond, in order to insure a thorough admixture, a small quantity of atmospheric air—say, from eight-tenths to two and a half per cent. of the bulk of the gas to be purified. The quantity of air will depend directly upon the impurities of the gas. Any suitable mixing device for thoroughly mixing the admitted air with the gas may be located at any point in the

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\* NOTE.—If no foreign patent has been obtained, the words in parenthesis should be omitted.



mains between the retorts and the bone-black purifiers, or even at the point of admission to the purifier. For water-gas the charcoal wet with water alone will suffice, air being introduced into the gas.

The oxygen of the air partly unites with the sulphur to form soluble salts, and the rest combines totally with the hydrogen of the sulphureted and other hydrogen sulphur compounds to form water, and part of the sulphur of the sulphureted hydrogen and other sulphur compounds is precipitated in a free state in the charcoal, while its nitrogen partly goes to form, with part of the remaining hydrogen, ammonia bases. No free oxygen passes off with the purified gas, while if any nitrogen goes over, the quantity is so small that it is not detrimental.

By the application of air in this manner the process is rendered continuous, as the charcoal is kept constantly active for a great length of time.

When the absorbing power of the charcoal finally becomes exhausted, it may either be sold for the valuable ammoniacal salts it contains, or it may be revived, or be washed and freed from sulphur by a suitable sulphur solvent for re-use.

By charging the bone-black with coal-tar, I prevent it from taking out of the gas any olefiant gas or other heavy hydrocarbons serving as illuminants.

I may treat the black, either before or after putting it into the vessels, as may be most convenient or suitable, with any substance correlative to the illuminants of the gas—that is, with any substance which will impregnate the black in such a manner that it will not take up such illuminants. I have particularly described coal-tar because that is most readily at hand; but its hydrocarbon distillates or the benzole series will answer.

In the case of coal-gas, not only is the sulphureted hydrogen with which it is contaminated taken up, as just described, but the illuminating power of the gas, which is somewhat reduced if passed through dry animal charcoal or bone-black, is not decreased when air is used and the animal charcoal or bone-black is wet with tar, but is actually improved, inasmuch as it gives a whiter flame, of the same candle-power as the gas not passed through animal charcoal or bone-black at all.

By the old method, when purification was effected by the use of lime, the sulphureted hydrogen and carbonic acid were absorbed by the lime, and the result was, of course, a loss of the original bulk of the gas. Now, by my process the sulphur and hydrogen are separated, the sulphur remaining in the charcoal and the hydrogen passing through with the gas while the carbonic acid passes through entire; and although it passes through unchanged, it is sufficiently carbureted not to detract from the illuminating power of the gas. I thus have practically the same bulk of gas after purification as before this operation, and loss is prevented without detriment to the consumer.

A striking advantage of my process is, that it unites the scrubbing



mains between the retorts and the bone-black purifiers, or even at the point of admission to the purifier. For water-gas the charcoal wet with water alone will suffice, air being introduced into the gas.

The oxygen of the air partly unites with the sulphur to form soluble salts, and the rest combines totally with the hydrogen of the sulphureted and other hydrogen sulphur compounds to form water, and part of the sulphur of the sulphureted hydrogen and other sulphur compounds is precipitated in a free state in the charcoal, while its nitrogen partly goes to form, with part of the remaining hydrogen, ammonia bases. No free oxygen passes off with the purified gas, while if any nitrogen goes over, the quantity is so small that it is not detrimental.

By the application of air in this manner the process is rendered continuous, as the charcoal is kept constantly active for a great length of time.

When the absorbing power of the charcoal finally becomes exhausted, it may either be sold for the valuable ammoniacal salts it contains, or it may be revived, or be washed and freed from sulphur by a suitable sulphur solvent for re-use.

By charging the bone-black with coal-tar, I prevent it from taking out of the gas any olefiant gas or other heavy hydrocarbons serving as illuminants.

I may treat the black, either before or after putting it into the vessels, as may be most convenient or suitable, with any substance correlative to the illuminants of the gas—that is, with any substance which will impregnate the black in such a manner that it will not take up such illuminants. I have particularly described coal-tar because that is most readily at hand; but its hydrocarbon distillates or the benzole series will answer.

In the case of coal-gas, not only is the sulphureted hydrogen with which it is contaminated taken up, as just described, but the illuminating power of the gas, which is somewhat reduced if passed through dry animal charcoal or bone-black, is not decreased when air is used and the animal charcoal or bone-black is wet with tar, but is actually improved, inasmuch as it gives a whiter flame, of the same candle-power as the gas not passed through animal charcoal or bone-black at all.

By the old method, when purification was effected by the use of lime, the sulphureted hydrogen and carbonic acid were absorbed by the lime, and the result was, of course, a loss of the original bulk of the gas. Now, by my process the sulphur and hydrogen are separated, the sulphur remaining in the charcoal and the hydrogen passing through with the gas while the carbonic acid passes through entire; and although it passes through unchanged, it is sufficiently carbureted not to detract from the illuminating power of the gas. I thus have practically the same bulk of gas after purification as before this operation, and loss is prevented without detriment to the consumer.

A striking advantage of my process is, that it unites the scrubbing



and purifying operations, for the gas may be passed directly from the condenser into my purifiers.

To eliminate sulphureted hydrogen, I may also mix with the charcoal a substance which will of itself decompose sulphureted hydrogen contained in gas, such as oxide of iron, tin, manganese ore, &c.

When the gas issues from my purifiers it is entirely free from ammoniacal and sulphur compounds, and is nearly inodorous.

When the charcoal is removed from the purifiers it is also inodorous, and is in no sense offensive and disgusting like gas-lime.

Having fully described my invention, what I desire to claim, and secure by letters patent, is—

1. In the purification of illuminating-gas by means of animal charcoal, the process of preventing absorption of illuminants of the gas by the charcoal, which consists in supplying the charcoal with a suitable correlative to such illuminants, as described.

2. The process of purifying illuminating-gas, which consists in mixing the same with air and then passing it through animal charcoal impregnated with coal-tar, all substantially as described.

A. B.

Witnesses:

P. G.

J. D.

### 13. FOR A MACHINE.

*To all whom it may concern:*

Be it known that I, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c.], have invented a new and useful Meat-chopping Machine (for which I have obtained a patent in Great Britain, No. 870, bearing date June 24, 1878), of which the following is a specification:

My invention relates to improvements in meat-chopping machines in which vertically reciprocating knives operate in conjunction with a rotating chopping-block; and the objects of my improvements are, first, to provide a continuously lubricated bearing for the block; second, to afford facilities for the proper adjustment of the knives independently of each other in respect to the face of the block; and third, to reduce the friction of the reciprocating rod which carries the knives.

I attain these objects by the mechanism illustrated in the accompanying drawing, in which—

Figure 1 is a vertical section of the entire machine; Fig. 2 a top view of the machine as it appears after the removal of the chopping-block and knives; Fig. 3 a vertical section of a part of the machine on the line 1, 2 (Fig. 2), and Fig. 4 a detailed view in perspective of the reciprocating cross head and its knives.

Similar letters refer to similar parts throughout the several views.

The table or plate A, its legs or standards B B, and the hanger a,



FIG. 4.

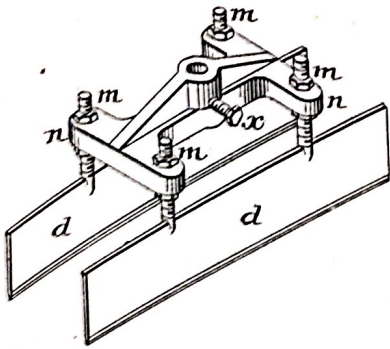


FIG. 1.

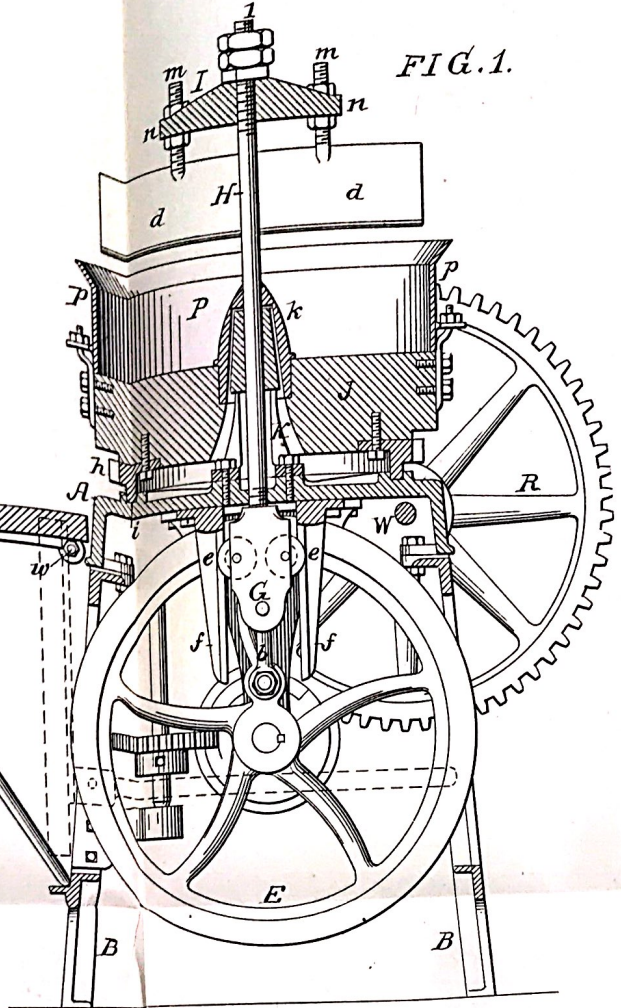


FIG. 3.

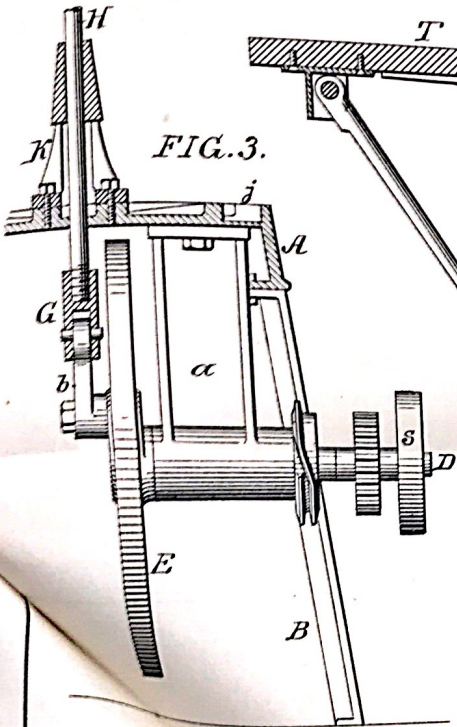
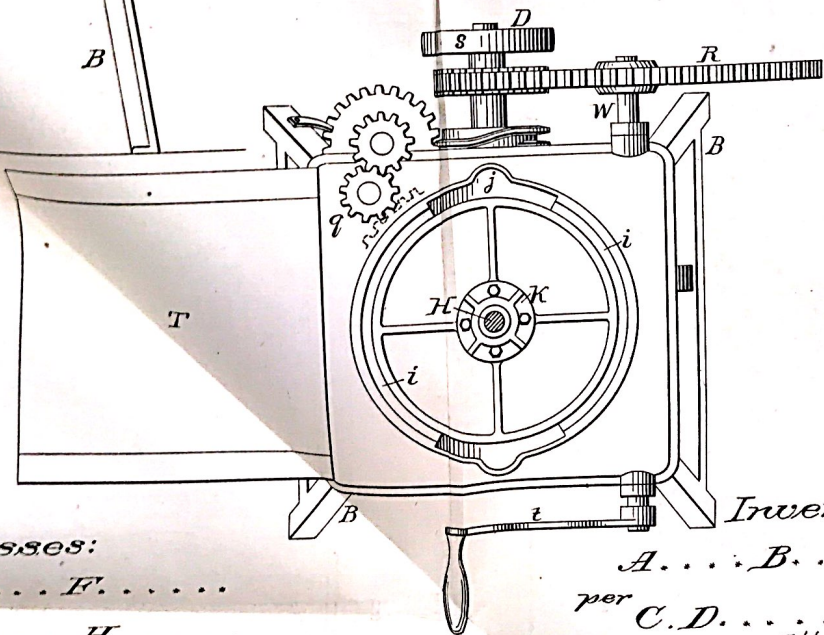


FIG. 2.



Witnesses:

E. . . . . F. . . . .

G. . . . . H. . . . .

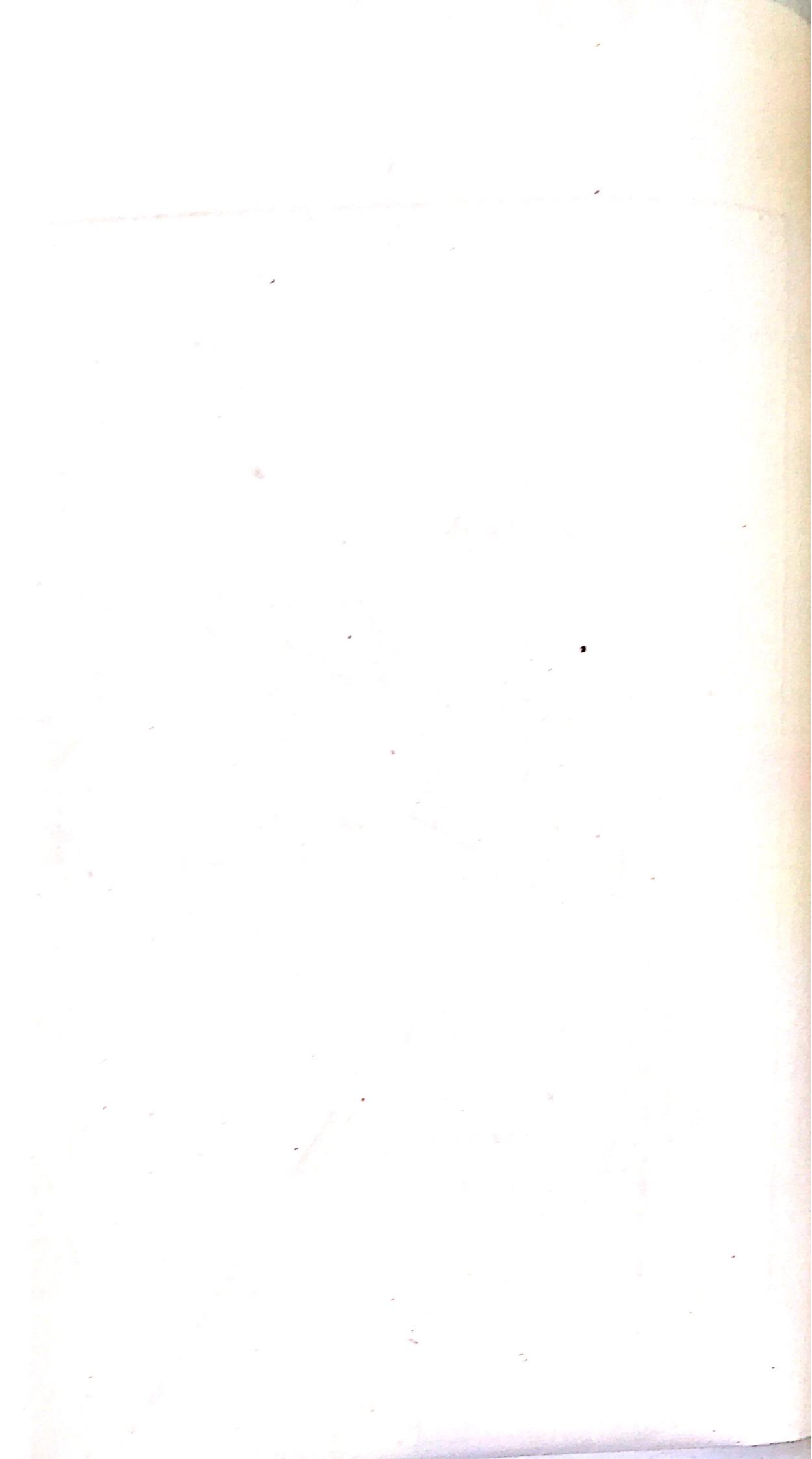
Inventor

A. . . . . B. . . . .

per C. D. . . . .

Attorney.







secured to the under side of the table, constitute the frame work of the machine. In the hanger *a* turns the shaft *D*, carrying a fly-wheel, *E*, a crank-pin on the hub of which is connected by a link, *b*, to a pin passing through a cross-head, *G*, and to the latter is secured a rod, *H*, having at its upper end a cross-head, *I*, carrying the adjustable chopping-knives *d d*, referred to hereafter.

The cross-head *G*, reciprocated by the shaft *D*, is provided with anti-friction rollers *e e*, adapted to guides *f f*, secured to the under side of the table *A*, so that the reciprocation of this cross-head may be accompanied with as little friction as possible.

To the under side of a wooden chopping-block, *J*, is secured an annular rib, *h*, adapted to and bearing in an annular groove, *i*, in the table *A*. (See fig. 2.) This annular groove or channel is not of the same depth throughout, but communicates at one or more points (two in the present instance), with pockets or receptacles *j j*, deeper than the groove and containing supplies of oil, in contact with which the rib *h* rotates so that the continuous lubrication of the groove and rib is assured. The rod *H* passes through and is guided by a central stand, *K*, secured to the table *A*, and projecting through a central opening in the chopping-block without being in contact therewith, the upper portion of the said stand being contained within a cover, *k*, which is secured to the block, and which prevents particles of meat from escaping through the central opening of the same.

The cross-head *I*, previously referred to, and shown in perspective in Figure 4, is vertically adjustable on the rod *H*, and can be retained after adjustment by a set-screw, *x*, the upper end of the rod being threaded for the reception of nuts, which resist the shocks imparted to the cross-head when the knives are brought into violent contact with the meat on the chopping-block.

The knives *d d* are adjustable independently of each other and of the said cross-head, so that the coincidence of the cutting-edge of each knife with the face of the chopping-block may always be assured.

I prefer to carry out this feature of my invention in the manner shown in Fig. 4, where it will be seen that two screw-rods, *m m*, rise vertically from the back of each knife and pass through lugs *n n*, on the cross-head, each rod being furnished with two nuts, one above and the other below the lug through which it passes. The most accurate adjustment of the knives can be effected by the manipulation of these nuts.

A circular casing, *p*, is secured to the chopping-block so as to form on the same a trough, *P*, for keeping the meat within proper bounds; and on the edge of the annular rib *h*, secured to the bottom of the block, are teeth for receiving those of a pinion, *q*, which may be driven by the shaft *D*, through the medium of any suitable system of gearing, that shown in the drawing forming no part of my present invention.

This shaft *D* may be driven by a belt passing round the pulleys *s*, or it may be driven by hand from a shaft, *W*, furnished at one end with a



handle *t*, and at the other with a cog-wheel, *R*, gearing into a pinion on the said shaft *D*.

A platform, *T*, may be hinged as at *w* to one edge of the table *A* to support a vessel in which the chopped meat can be deposited. The means by which it may be supported, and the most convenient method of disposing of it when not in use, are shown in Fig. 1.

I am aware that, prior to my invention, meat-chopping machines have been made with vertically reciprocating knives, operating in conjunction with rotating chopping-blocks. I, therefore, do not claim such a combination broadly, but what I do claim as my invention, and desire to secure by letters patent, is:

1. The combination in a meat-chopping machine of a rotary chopping-block having an annular rib, *h*, with a table or plate having an annular recess, *i*, and a pocket or pockets, *j*, communicating with the said recess, all substantially as set forth.

2. In a meat-chopping machine the combination of a rotary chopping-block with a reciprocating cross-head carrying knives *d d*, each of which is vertically adjustable on the said cross-head independently of the other, substantially as described.

3. The knife *d* having two screw-rods, *m m*, attached to its back, substantially as shown, for the purpose specified.

4. The combination in a meat-chopping machine of the reciprocating rod *H*, carrying the knives *d d*, the cross-head *C* secured to the said rod and having anti-friction rollers *c c*, with guides *f f*, adapted to the said rollers, all substantially as set forth.

A. B.

Witnesses:

C. D.

E. F.

#### 14. FOR A COMPOSITION OF MATTER.

*To all whom it may concern:*

Be it known that I, A. B., a citizen of the United States residing at L., in the county of M., and state of N [or subject, &c.], have invented a new and useful composition of matter to be used for the removal of hair and grease from hides preparatory to tanning, of which the following is a specification:

My composition consists of the following ingredients, combined in the proportions stated, viz:

Pure water .....	500 gallons.
Unslacked lime .....	32 gallons.
Soda-ash .....	100 pounds.
Saltpeter .....	20 pounds.
Flowers of sulphur .....	10 pounds.

These ingredients are to be thoroughly mingled by agitation.



In using the above named composition the hides should first be freed from all salt and impurities, by soaking green hides one day and dry hides eight days, and then placing the hides so cleaned in the said solution and allowing them to remain in it 48 hours. The hides are then to be removed from the solution and unhaird in the usual way.

By the use of the above composition the hair is speedily and thoroughly loosened, and the hides, while retaining all of that portion of the substance which can be converted into leather, are at the same time entirely cleaned from grease and other substances which would prevent them from being tanned quickly.

I am aware that a composition consisting of soda ash, water, lime, and sulphur has been used for the same purpose, and that a patent therefor was granted to C. D., July 10, 1875, No. 95,726. I am also aware that saltpeter has been used in depilatory processes; but I am not aware that all of the ingredients of my composition, in the proportions stated, have been used together.

What I claim, and desire to secure by letters patent of the United States, is—

The herein described composition of matter to be used for depilating hides and preparing them for being tanned, consisting of water, unslacked lime, soda ash, saltpeter, and flowers of sulphur, in the proportions specified.

A. B.

Witnesses:

C. D.

E. F.

#### 15. FOR A DESIGN.

To all whom it may concern:

Be it known that I, A. B., a citizen of the United States residing at L, in the county of M., and State of N. [or subject, &c.], have invented, and produced a new and original design for watch-cases or lockets, of which the following is a specification, reference being had to the accompanying drawings, forming part thereof.

Figure 1 is a sectional view of my newly-designed case, Fig. 2 a side elevation of same, and Fig. 3 an edge view, these three views being deemed necessary to fully illustrate my design.

Heretofore watch-cases and lockets have been made which presented, when viewed in elevation, as in Fig. 2, a scalloped outline or periphery, some being made to imitate shells. In these the scallops extend entirely across from lid to lid, and in a watch-case the centre which holds the movements is also scalloped to correspond.

The leading feature of my design consists in a raised or "struck up" scalloped surface, the outlines of which, when viewed in elevation, as in Fig. 2, will fall entirely within the circular outline or circumference of the center.



A is the centre of the case, which is circular in its general contour, and B B are the lids. These are also circular in their outer contour where they join the centre, but have scallops C C C formed in some way upon them, substantially as represented in the several figures. The indented outline of the scalloped surface falls within the outer contour line of the case, thus presenting to the eye the combined effect of a smooth circular outline or center and an indented or scalloped outline within it.

I claim—

1. The design for a watch-case or locket herein shown and described, the same consisting of the raised scallops C C C on the lid, forming an indented outline wholly within the circular outline of the edge of the lid and the center A.

2. The design for a watch-case or locket herein shown and described, the same consisting of a circular lid, B, having a connected series of raised scallops, C C C, the contour of the same being entirely within the contour of the lid.

A. B.

Witnesses:

C. D.

E. F.

#### 16. FOR A CAVEAT.

*To the Commissioner of Patents:*

Be it known that I, A. B., a citizen of the United States residing at L., in the county of M., and State of N. [or subject, &c. See Rule 191.], having invented an improvement in velocipedes, and desiring further to mature the same, file this my caveat therefor, and pray protection of my right until I shall have matured my invention.

The following is a description of my newly-invented velocipede, which is as full, clear, and exact as I am able at this time to give, reference being had to the drawing hereto annexed.

This invention relates to that class of velocipedes in which there are two wheels connected by a beam forming a saddle for the rider, the feet being applied to cranks that revolve the front wheel.

The object of my invention is to render it unnecessary to turn the front wheel so much as heretofore, and at the same time to facilitate the turning of sharp curves. This I accomplish by fitting the front and the hind wheels on vertical pivots, and connecting them by means of a diagonal bar, as shown in the drawing, so that the turning of the front wheel also turns the back wheel with a position at an angle with the beams, thereby enabling it easily to turn a curve.

In the drawing, A is the front wheel, B the hind wheel, and C the standards extending from the axle of the front wheel to the vertical pivot E, in the beam F, and D is the cross-bar upon the end of E, by



which the steering is done. The hind wheel B is also fitted with jaws G and a vertical pivot H.

Witnesses:

C. D.

E. F.

A. B.

### OATHS.

#### 17. BY AN INVENTOR.

(To follow specification.)

STATE OF \_\_\_\_\_, County of \_\_\_\_\_, ss:

\_\_\_\_\_, the above-named petitioner, citizen of<sup>1</sup>\_\_\_\_\_, and resident of \_\_\_\_\_, in the county of \_\_\_\_\_ and State of \_\_\_\_\_, being duly sworn (or affirmed), depose and say that<sup>2</sup>\_\_\_\_\_ verily believe<sup>3</sup>\_\_\_\_\_ to be the original, first, and<sup>4</sup>\_\_\_\_\_ inventor of the improvement in<sup>5</sup>\_\_\_\_\_ described and claimed in the foregoing specification; that the same has not been patented to<sup>6</sup>\_\_\_\_\_, or to others with<sup>7</sup>\_\_\_\_\_ knowledge or consent, except in the following countries:<sup>8</sup>\_\_\_\_\_

\_\_\_\_\_; that the same has not to<sup>9</sup>\_\_\_\_\_ knowledge been in public use or on sale in the United States for more than two years prior to this application, and<sup>10</sup>\_\_\_\_\_ do not know and do not believe that the same was ever known or used prior to<sup>11</sup>\_\_\_\_\_ invention thereof.

(Inventor's full name): \_\_\_\_\_.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[L. S.]

(Signature of justice or notary): \_\_\_\_\_.

(Official character): \_\_\_\_\_.

[For officers before whom the oath may be made see Rule 46. If the applicant be an alien, the oath will show of what foreign state or sovereign he is a citizen or subject.

If the applicants claim to be *joint inventors*, the oath will show "that they verily believe themselves to be the original, first, and joint inventors," &c.

If the inventor be dead, the oath will be made by the administrator or executor, who will declare his belief that the party named as inventor was the original and first inventor.]

1. If the applicant be an alien, he will state of what foreign or sovereign state he is a citizen or subject.

2. "He" or "they."

3. "Himself" or "themselves."

4. "Sole" or "joint."

5. Insert title of invention.

6. "Himself" or "themselves."

7. "His" or "their."

8. Here insert, if previously patented, the country or countries in which it has been so patented, giving the date and number of each patent. If not previously patented, erase the words "except in the following countries" and insert the words "in any country."

9. "His" or "their."

10. "He" or "they."

11. "His" or "their."



## 19. BY AN APPLICANT FOR A REISSUE (INVENTOR).

STATE OF I., *County of K.*, ss:

A. B., the above-named petitioner, being duly sworn [or affirmed], deposes and says that he verily believes that his aforesaid letters patent are inoperative [or invalid, or both] by reason of a defective [or insufficient] specification [or both, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new], and that the error arose by inadvertence [accident or mistake], without any fraudulent or deceptive intent; that he is the sole owner of said letters patent; [or, that E. F. is the sole owner of said letters patent, and that this application is made on the behalf and with the consent of said E. F.;] and that he verily believes himself to be the first and original inventor of the improvement set forth and claimed in this amended specification, and does not believe that the same was ever before known or used.

Sworn to and subscribed before me this 26th day of July, 1869.  
 A. B.  
 C. D.,  
 [Title of office.]

## 20. BY AN APPLICANT FOR A REISSUE (ASSIGNEE).

(To be used only when the inventor is dead or in cases of patents issued and assigned prior to July 8, 1870.)

STATE OF I., *County of K.*, ss:

A. B. and C. D., the above-named petitioners, being duly sworn [or affirmed], depose and say that they verily believe that the aforesaid letters patent granted to E. F. are [here follows form 19, *mutatis mutandis*]; that the entire title to said letters patent is vested in them; and that they verily believe the said E. F. to be the first and original inventor of the invention set forth and claimed in the foregoing amended specification; and that the said E. F. is now deceased.

Sworn to and subscribed before me this 14th day of November, 1869.  
 A. B.  
 C. D.  
 [Title of office.]

## 21. SUPPLEMENTAL OATH TO ACCOMPANY A NEW OR AN ENLARGED CLAIM.

STATE OF I., *County of K.*, ss:

A. B., whose application for letters patent for an improvement in seed-drills (Serial Number 4526) was filed in the United States patent office on



or about the 15th day of March, 1869, being duly sworn [or affirmed], deposes and says that he verily believes himself to be the original and first inventor of the improvement as described and claimed in the foregoing amendment, in addition to that which was embraced in the claims originally made, and that he does not know and does not believe that the same was ever before known or used, and that the matter sought to be inserted formed a part of his original invention at the date of filing said application.

A. B.

Sworn to and subscribed before me this 11th day of July, 1870.

C. D.,

[Official title.]

## 22. OATH AS TO THE LOSS OF LETTERS PATENT.

STATE OF I., *County of K.*, ss:

A. B., of said county, being duly sworn [or affirmed], doth depose and say that the letters patent No. 12,213, granted to him, and bearing date on the 9th day of January, A. D. 1855, have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and that he has not been able to find them.

A. B.

Subscribed and sworn to before me this 5th day of October, 1868.

C. D.,

[Official title.]

## 23. OATH OF ADMINISTRATOR AS TO THE LOSS OF LETTERS PATENT.

STATE OF I., *County of K.*, ss:

A. B., of said county, being duly sworn, doth depose and say that he is administrator of the estate of E. F., deceased, late of I., in said county; that the letters patent No. 12,219, granted to said E. F., and bearing date of the 9th day of January, A. D. 1855, have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent, and that he has not been able to find said letters patent.

A. B.,

*Administrator, &c.*

Subscribed and sworn to before me this 5th day of October, 1868.

C. D.,

[Official title.]

## 24. POWER OF ATTORNEY AFTER APPLICATION FILED.

If the power of attorney be given at any time other than that of



making application for letters patent, it will be in substantially the following form:

*To the Commissioner of Patents:*

The undersigned having, on or about the 20th day of July, 1859, made application for letters patent for an improvement in horse-powers (Serial Number 982), hereby appoints C. D., \* of L., in the county of M., and State of N., his attorney, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the patent office connected therewith.

Signed at L., in the county of M., State of N., this 6th day of June, 1879.  
A. B.

## 25. REVOCATION OF POWER OF ATTORNEY.

*To the Commissioner of Patents:*

The undersigned having, on or about the 26th day of December, 1867, appointed C. D., of L., in the county of M., and State of N., his attorney to prosecute an application for letters patent, which application was filed on or about the 1st day of June, 1868, for an improvement in the running gear of wagons (Serial Number 870), hereby revokes the power of attorney then given.

Signed at L., in the county of M., and State of N., this 21st day of July, 1869.  
A. B.

## 26. AMENDMENT.†

*To the Commissioner of Patents:*

In the matter of my application for letters patent for an improvement in sewing-machines, filed May 1, 1879 (Serial Number 540), I hereby amend my specification as follows:

By striking out all between the 5th and 20th lines, inclusive, of page 3;

By inserting the words *connected with* after the word "and" in the 1st line of the 2d claim; and

By striking out the 3d claim, and substituting therefor the following:

"3. The combination, with the driving-shaft, the needle-bar, and mechanism for reciprocating the same, of the shuttle-carrier, the shuttle-lever, and a cam carried by the driving-shaft, whereby the proper reciprocating movement is imparted to the shuttle-carrier, and the needle-bar is caused to operate in unison therewith, substantially as described."

Signed at L., in the county of M., and State of N.

A. B.,

By S. Z.,

*His Attorney in Fact.*

\* See foot-note page 49.

† NOTE.—In the preparation of all amendments a separate paragraph should be devoted to each distinct erasure or insertion, in order to aid the office in making the entry of the amendment into the case to which it pertains.



## DISCLAIMERS.

## 27. DISCLAIMER AFTER PATENT.

*To the Commissioner of Patents:*

Your petitioner, A. B., a citizen of the United States, residing at L., in the county of M., and State of N. [or subject, &c.], represents that in the matter of a certain improvement in printing-presses, for which letters patent of the United States No. 75,000 were granted to C. D., on the 12th day of June, 1879, he is [here state the exact interest of the disclaimant; if assignee, set out liber and page where assignment is recorded], and that he has reason to believe that, through inadvertence [accident or mistake], the specification and claim of said letters patent are too broad, including that of which said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in said specification which is in the following words, to wit:

"I also claim the sleeves A B, having each a friction-cam, C, and connected, respectively, by means of chains or cords K L and M N, with an oscillatory lever, to operate substantially as herein shown and described."

A. B.

Witness:

C. D.,

## 28. DISCLAIMER DURING INTERFERENCE.

*Interference.*

A. B. }  
rs. } Before the examiner of interferences.  
C. D. }

Subject-matter: Sewing-machines.

*To the Commissioner of Patents:*

SIR; In the matter of the interference above noted, under the provisions of and for the purpose set forth in Rule 104, I disclaim [set forth the matter as given in declaration of interference], as I am not the first inventor thereof, and I herewith transmit an amendment to my application (Serial Number 1556), for the purpose of having the above disclaimer embodied as part of my specification.

Signed at L., in the county of M., and State of N., this 15th day of June, 1879.

A. B.

Witnesses:

E. F.

G. H.

## APPEALS.

## 29. FROM A PRINCIPAL EXAMINER TO THE EXAMINERS-IN-CHIEF.

*To the Commissioner of Patents:*

SIR: I hereby appeal to the examiners-in-chief from the decision of the principal examiner in the matter of my application for letters patent



for an improvement in wagon-brakes, filed January 10, 1869, which on the 20th day of July, 1869, was rejected the second time. The following are the points of the decision on which the appeal is taken: [Here follows a statement of the points on which the appeal is taken, as provided in Rule 128.]

[Place and date of signing.]

A. B.

### 30. FROM A PRINCIPAL EXAMINER TO THE COMMISSIONER.

*To the Commissioner of Patents :*

SIR: I hereby appeal to you in person from the decision of the principal examiner, made April 7, 1879, in the case of my application for letters patent for an improvement in harvesters, filed January 10, 1879, wherein he refused to consider the case upon its merits until certain alleged inaccuracies of expression in the specification should be corrected. The following are the points of the decision on which the appeal is taken: [Here follow points on which appeal is taken.]

[Place and date of signing.]

A. B.

### 31. FROM THE EXAMINERS-IN-CHIEF TO THE COMMISSIONER.

*To the Commissioner of Patents :*

SIR: I hereby appeal to you in person from the decision of the examiners-in-chief, made April 7, 1879, in the interference between my application for letters patent for improvement in sewing-machines and the letters patent of A. B., in which priority of invention was awarded to said A. B. The following are assigned for reasons of appeal: [Here should follow an explicit statement of the alleged errors in the decision of the examiners-in-chief.]

C. D.

### 32. FROM THE EXAMINER IN CHARGE OF INTERFERENCES TO THE EXAMINERS-IN-CHIEF.

*To the Commissioner of Patents :*

SIR: I hereby appeal to the examiners-in-chief from the decision of the examiner of interferences in the matter of the interference between my application for letters patent for improvement in sewing-machines and the letters patent of A. B., in which priority of invention was awarded to said A. B. The following are assigned for reasons of appeal: [Here should follow an explicit statement of the alleged errors in the decision of the examiner of interferences.]

C. D.

### 33. FROM THE EXAMINERS-IN-CHIEF TO THE COMMISSIONER.

*To the Commissioner of Patents :*

SIR: We hereby appeal to the commissioner in person from the decision of the examiners-in-chief in the matter of our application for the



reissue of letters patent for an improvement in cotton-presses, granted to A. B., May 18, 1865. The following are assigned for reasons of appeal: [Here follow the reasons as in Form 31.]

C. D.

E. F.

34. FROM THE COMMISSIONER TO THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

WASHINGTON, D. C., July 20, 1871.

*To the Supreme Court of the District of Columbia, in banc :*

The petition of A. B., of L., in the county of M., and State of N., respectfully sheweth: That he has heretofore invented a new and useful improvement in velocipedes; that on or about the 1st day of May, 1870, he applied to the patent office of the United States for a patent for the same [or for the reissue of a patent granted therefor under date of June 10, 1862], and complied with the requirements of the several acts of congress, and with the rules of the patent office prescribed in such cases; that his said application was rejected by the commissioner of patents, on appeal to him, on or about June 20, 1871; that he has filed in said office due notice to the commissioner of patents of this his appeal, accompanied with the reasons of appeal; and that the commissioner has furnished him with complete copies of all the original papers and evidence in the case, all of which, together with a copy of the reasons of appeal, accompany this petition, and are to be taken as a part hereof.

And the said A. B. prays that his said appeal may be heard and determined by your honorable court at such early time as may be appointed for that purpose; and that the commissioner of patents may be duly notified of the same, and directed in what manner to give notice thereof to the parties interested.

A. B.

*To the Commissioner of Patents :*

A. B., of L., in the county of M., and State of N., hereby gives notice that he has appealed from your decision, rendered on or about the 20th day of June, 1871, rejecting his application for a patent [or for a reissue of a patent granted to him June 10, 1862] for an improvement in velocipedes; and of this you are respectfully requested to take notice.

And the said A. B. assigns the following reason for appealing from the said decision of the commissioner of patents, viz:

[Here follow reasons, which should be full and explicit, and constitute a brief of the appellant's argument.]

A. B.



## 35. PRELIMINARY STATEMENT.

A. B. } Interference in the U. S. patent office.  
 vs. } Preliminary statement of A. B.  
 C. D. }

A. B., of L., in the county of M., and State of N., being duly sworn, doth depose and say that he is a party to the interference declared by the commissioner of patents, June 3, 1879, between A. B.'s application for letters patent, filed May 6, 1879, and the patent of C. D., granted April 20, 1879, for a twine-machine; that he conceived the invention set forth in the declaration of interference, on or about the 1st of June, 1877; that during the said month he made drawings of the invention and explained it to others; that he made a model showing the invention on or about July 20, 1877; that he embodied it in a full-sized machine, which was completed on or about August 15, 1877; that on the 21st day of the last-named month he successfully operated the said machine at his shop in the town of L., county of M., and State of N., and that he has since continued to use the same machine, and has also manufactured others for use and sale.

A. B.

Subscribed and sworn to before me this 10th day of April, 1879.

E. F.,

[Official title.]

## 36. RULES OF THE SUPREME COURT IN APPEALS FROM THE COMMISSIONER OF PATENTS, ADOPTED NOVEMBER 30, 1870.

1. The appellant's petition shall be addressed to the court, and shall be substantially as follows:

"To the Supreme Court of the District of Columbia, in banc, \_\_\_\_\_, 187-.

"The petition of \_\_\_\_\_, a citizen of \_\_\_\_\_, in the [State, Territory, district] of \_\_\_\_\_, respectfully shows as follows:

"(1.) About the \_\_\_\_\_ day of \_\_\_\_\_, 18—, I invented [describe the subject of the desired patent in the identical words of the application to the patent office.]

"(5.) On the \_\_\_\_\_ day of \_\_\_\_\_, 18—, in the manner prescribed by law, I presented my application to the patent office, praying that a patent be issued to me for said invention.

"(3.) Such proceedings were had in said office, upon said application, that on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, it was rejected by the commissioner of patents.

"(4.) I thereupon appealed to this court, and gave notice thereof to the commissioner, and filed in his office the following reasons for said appeal:

"(5.) The commissioner of patents has furnished me a complete copy of all the proceedings in his office upon my said application, which copy has been filed herewith, and is to be taken as part hereof



"(6.) And thereupon I pray that the court do revise and reverse said decision, to the end that justice may be done in the premises.  
 " —————."

2. This petition shall be filed in the clerk's office of this court; and as soon as the petitioner has made the deposit required by law at the commencement of suits in this court, or said deposit has been dispensed with, the clerk shall enter the case in a docket to be provided by him for the purpose, and in which a brief of said filing and of all subsequent proceedings in the case shall be entered as and when they successively occur, down to and including the final decision.

3. The clerk shall provide a minute-book of his office, in which he shall record every order, rule, judgment, or decree of the court in each case, in the order of time in which said proceedings occur; and of this book there shall be two alphabetical indexes, one showing the name of the party applying for the patent, and the other designating the invention by its subject-matter or name.

4. The cases in the docket of causes shall be successively numbered from No. 1 onward, and each case shall also be designated by the number assigned to it on the records of the patent office.

5. This docket shall be called for the trial of the cases thereon on the first day of each session of this court in general term, provided the petition has been filed ten days before the commencement of the term.

6. The opinions of the court, when written, shall be kept by the clerk, in the order of their delivery and in a temporary book-file, indexed; and when so many have been delivered as will make a volume of convenient size, he shall cause them to be bound.

7. The clerk shall furnish to any applicant a copy of any paper in any of said appeals on payment of the lawful fees.

8. Hearings of said appeals shall be subject to the rules of the court provided for other causes therein.

9. When the testimony of the commissioner, or of any examiner, touching the principles of invention in question, shall be deemed necessary, it shall be taken orally in open court, unless otherwise ordered by the court. And, in such case, the court may order it to be reduced to writing, and filed or entered on its minutes, if it think proper.

10. The final judgment or order of the court shall not recite any of the facts made to appear in the case, but shall be to the following effect:

"This appeal having been heard upon the record from the patent office [and upon the testimony of the commissioner of patents] [of one of the examiners] [touching the principles of the invention], and having been argued by [counsel for] the petitioner and [for] the commissioner:

"It is thereupon ordered and adjudged that the [petition be dismissed] [commissioner do issue to the petitioner a patent] [as prayed], [granting the petitioner (so and so)].

"And that the clerk of this court transmit to the commissioner of patents a copy of this decree duly authenticated."



"(6.) And thereupon I pray that the court do revise and reverse said decision, to the end that justice may be done in the premises.

"———."

2. This petition shall be filed in the clerk's office of this court; and as soon as the petitioner has made the deposit required by law at the commencement of suits in this court, or said deposit has been dispensed with, the clerk shall enter the case in a docket to be provided by him for the purpose, and in which a brief of said filing and of all subsequent proceedings in the case shall be entered as and when they successively occur, down to and including the final decision.

3. The clerk shall provide a minute-book of his office, in which he shall record every order, rule, judgment, or decree of the court in each case, in the order of time in which said proceedings occur; and of this book there shall be two alphabetical indexes, one showing the name of the party applying for the patent, and the other designating the invention by its subject-matter or name.

4. The cases in the docket of causes shall be successively numbered from No. 1 onward, and each case shall also be designated by the number assigned to it on the records of the patent office.

5. This docket shall be called for the trial of the cases thereon on the first day of each session of this court in general term, provided the petition has been filed ten days before the commencement of the term.

6. The opinions of the court, when written, shall be kept by the clerk, in the order of their delivery and in a temporary book-file, indexed; and when so many have been delivered as will make a volume of convenient size, he shall cause them to be bound.

7. The clerk shall furnish to any applicant a copy of any paper in any of said appeals on payment of the lawful fees.

8. Hearings of said appeals shall be subject to the rules of the court provided for other causes therein.

9. When the testimony of the commissioner, or of any examiner, touching the principles of invention in question, shall be deemed necessary, it shall be taken orally in open court, unless otherwise ordered by the court. And, in such case, the court may order it to be reduced to writing, and filed or entered on its minutes, if it think proper.

10. The final judgment or order of the court shall not recite any of the facts made to appear in the case, but shall be to the following effect:

"This appeal having been heard upon the record from the patent office [and upon the testimony of the commissioner of patents] [of one of the examiners] [touching the principles of the invention], and having been argued by [counsel for] the petitioner and [for] the commissioner:

"It is thereupon ordered and adjudged that the [petition be dismissed] [commissioner do issue to the petitioner a patent] [as prayed], [granting the petitioner (so and so)].

"And that the clerk of this court transmit to the commissioner of patents a copy of this decree duly authenticated."



## ASSIGNMENTS.

### 37. OF AN ENTIRE INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT.

Whereas I, A. B., of L., county of M., State of N., have invented a certain new and useful improvement in harvesters [giving title of the same], for which I am about to make application for letters patent of the United States; and whereas G. D., of R., county of S., State of N., is desirous of acquiring an interest in said invention, and in the letters patent to be obtained therefor:

Now, therefore, to all whom it may concern, be it known that, for and in consideration of the sum of five thousand dollars to me in hand paid, the receipt of which is hereby acknowledged, I, the said A. B., have sold, assigned, and transferred, and by these presents do sell, assign, and transfer unto the said G. D., the full and exclusive right to the said invention, as fully set forth and described in the specification prepared and executed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 188—, preparatory to obtaining letters patent of the United States therefor; and I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said G. D., as the assignee of my entire right, title, and interest in and to the same, for the sole use and behoof of the said G. D. and his legal representatives.

In testimony whereof I have hereunto set my hand and affixed my seal this 4th day of May, A. D. 1879.

A. B. [SEAL.]

In presence of—

O. P.

S. T.

### 38. OF THE ENTIRE INTEREST IN LETTERS PATENT.

Whereas I, A. B., of L., county of M., State of N., did obtain letters patent of the United States for an improvement in car-wheels, which letters patent are numbered 95,000, and bear date the 5th day of June, in the year one thousand eight hundred and sixty-nine, and whereas I am now the sole owner of said patent and of all rights under the same; and whereas E. F., of R., county of S., State of N., is desirous of acquiring the entire interest in the same:

Now, therefore, to all whom it may concern, be it known that, for and in consideration of the sum of five thousand dollars to me in hand paid, the receipt of which is hereby acknowledged, I, the said C. D., have sold, assigned, and transferred, and by these presents do sell, assign, and transfer unto the said E. F., the whole right, title, and interest in and to the said improvement in car-wheels, and in and to the letters patent therefor aforesaid; the same to be held and enjoyed by the said E. F., for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent



are or may be granted [thus including extension], as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof I have hereunto set my hand and affixed my seal at L., in the county of M., and State of N., this 25th day of July, A. D. 1878.

A. B. [SEAL.]

In presence of—

N. P.

O. T.

### 39. OF AN UNDIVIDED INTEREST IN LETTERS PATENT.

Whereas I, A. B., of L., county of M., State of N., did obtain letters patent of the United States for an improvement in hay-rakes, which letters patent are numbered 89,920, and bear date the 3d day of August, in the year one thousand eight hundred and sixty; and whereas C. D., of R., county of S., State of N., is desirous of acquiring an interest in the same:

Now, therefore, to all whom it may concern, be it known that, for and in consideration of the sum of five hundred dollars to me in hand paid, the receipt of which is hereby acknowledged, I, the said A. B., have sold, assigned, and transferred, and by these presents do sell, assign, and transfer unto the said D. E., the undivided one-half part of the whole right, title, and interest in and to the said invention, and in and to the letters patent therefor aforesaid; the said undivided one-half part to be held and enjoyed by the said C. D., for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are or may be granted [thus including extension], as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof I have hereunto set my hand and affixed my seal at L., in the county of M., and State of N., this 7th day of June, A. D. 1862.

A. B. [SEAL.]

In the presence of—

N. P.

O. T.

### 40. TERRITORIAL INTEREST AFTER GRANT OF PATENT.

Whereas I, A. B., of L., county of M., State of N., did obtain letters patent of the United States for improvement in grain-binders, which letters patent are numbered 87,564 and bear date the 8th day of June, in the year one thousand eight hundred and sixty; and whereas I am now the sole owner of the said patent and of all rights under the same in the below-recited territory; and whereas C. D., of R., county of S., State of N., is desirous of acquiring an interest in the same:



Now, therefore, to all whom it may concern, be it known that, for and in consideration of the sum of five thousand dollars to me in hand paid, the receipt of which is hereby acknowledged, I, the said A. B., have sold, assigned and transferred, and by these presents do sell, assign, and transfer, unto the said C. D., all the right, title, and interest in and to the said invention, as secured to me by said letters patent, for, to, and in the State of N., and for, to, or in no other place or places; the same to be held and enjoyed by the said C. D. within and throughout the above-specified territory, but not elsewhere, for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are or may be granted (thus including extension), as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

In testimony whereof I have hereunto set my hand and affixed my seal at L., in the county of M., and State of N., this 3d day of May, A. D. 1861.

A. B. [SEAL.]

In the presence of—

S. T.

R. D.

#### 41. LICENSE—SHOP-RIGHT.

In consideration of the sum of fifty dollars, to be paid by the firm of S. J. & Co., of L., in the county of M., State of N., I do hereby license and empower the said S. J. & Co. to manufacture in said L. [or other place agreed upon] the improvement in cotton-seed planters, for which letters patent of the United States No. 71,846 were granted to me, November 13, 1868, and to sell the machines so manufactured throughout the United States, to the full end of the term for which said letters patent are granted.

Signed at L., in the county of M., and State of N., this 22d day of April, 1869.

A. B.

#### 42. LICENSE—NOT EXCLUSIVE—WITH ROYALTY.

This agreement, made this 12th day of September, 1868, between A. B., of L., in the county of M., and State of N., party of the first part, and C. D. & Co., of O., in the county of R., and State of S., party of the second part, witnesseth, that whereas letters patent of the United States No. 67,540, for an improvement in horse-rakes were granted to the party of the first part, dated October 4, 1867; and whereas the party of the second part is desirous of manufacturing horse-rakes, containing said patented improvement: Now, therefore, the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in O., and in no other place or places, to the



end of the term for which said letters patent were granted, horse-rakes containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of July and January in each year, of all horse-rakes containing the patented improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part five dollars as a license-fee upon every horse-rake manufactured by said party of the second part containing the patented improvements; provided, that if the said fee be paid upon the days provided herein for semi-annual returns, or within ten days thereafter, a discount of fifty per cent. shall be made from said fee for prompt payment.

IV. Upon a failure of the party of the second part to make returns or to make payment of license-fees, as herein provided, for thirty days after the days herein named, the party of the first part may terminate this license by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license-fees due at the time of the service of said notice.

In witness whereof the parties above named have hereunto set their hands the day and year first above written, at L., in the county of M., and State of N.

A. B.

C. D. & CO.

### EXTENSIONS.

#### 43. APPLICATION FOR AN EXTENSION (BY A PATENTEE).

*To the Commissioner of Patents:*

Your petitioner, A. B., now residing at L., in the county of M., and State of N., prays that letters patent No. 12,841, for an improvement in steam-engines, granted to him August 17, 1853, may be extended, in pursuance of an act of Congress approved January 25, 1878, a certified copy of which is hereto annexed.

Signed at L., in the county of M., and State of N.

A. B.

[Append copy.]

#### 44. APPLICATION FOR AN EXTENSION (BY AN ADMINISTRATOR).

*To the Commissioner of Patents:*

Your petitioner, A. B., of L., in the county of M., and State of N., administrator of the estate of C. D., late of R., in the county of S., and State of N., deceased (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear), prays that letters patent No. 12,842, for an improvement in stoves, granted to said



C. D., August 24, 1853, may be extended in pursuance of an act of Congress approved June 1, 1878, a certified copy of which is hereto annexed.  
Signed at L., in the county of M., and State of N.

A. B., *Administrator.*

[Append copy.]

#### 45. STATEMENT AND ACCOUNT.

In the matter of the application of A. B., of L., county of M., and State of N., executrix of the last will and testament of C. D., late of R., in the county of S., and State of N., deceased, for extension of letters patent No. 10,817, granted to him January 9, 1855, for improvements in mowing-machines.

##### *To the Commissioner of Patents :*

The applicant respectfully represents that, prior to obtaining the letters patent now sought to be extended, the said C. D. was a farmer; that his attention was called to the subject of mowing-machines by the difficulty experienced in cutting grass by the machines then in use; that, after numerous patient and costly experiments, he succeeded in perfecting his invention and in obtaining his patent. He immediately made arrangements to manufacture the improvement, and for this purpose sold three-fourths of his farm. He then, with others, built a factory and commenced operations; but two years afterward the establishment was destroyed by fire, without insurance. In the exposure at the fire C. D. contracted a disease which confined him to the house for three years, when he died, leaving applicant, his executrix and widow, with a large family and small means. Nevertheless, applicant made every effort to induce manufacturers to use the improvement, and at last succeeded in inducing the firm of E. T. & Co., of R., in the county of S., and State of N., to recommence the manufacture of the machines. But after four years the firm failed, being largely in debt to applicant for royalties. After this it became impossible for applicant to do anything with the invention. She wrote to several manufacturers, and made personal application to others, but found them unwilling to make arrangements to pay royalties, or to use the invention in any way, unless she would sell the patent, including the extension, for a nominal sum. She states, however, that she has at length succeeded in perfecting an agreement with G. H. & Co., of T., in the county of W., and State of N., conditioned upon the extension, whereby the said firm agreed to manufacture the patented machines, and to pay her a royalty of three dollars upon each one made. Aside from the interest so vested in G. H. & Co., the entire interest in the extension remains vested in her, and she has made no assignment, contract, or agreement of any kind for the sale or assignment of the extended term to any person whatsoever.

The following is believed to be a correct statement of receipts and expenditures, and is as full as it is possible to make it:



*Receipts.*

From profits from business (for particulars of which see Schedule A) .....	\$1,236 00
From royalties from E. T. & Co. (for details of which see Schedule B) .....	2,341 50
From sale of shop-right to L. M. ....	250 00
Total receipts .....	3,827 50

*Expenditures.*

Expense of procuring patent .....	250 00
Net receipts .....	3,577 50

The invention is exceedingly useful, as will be abundantly proved. The testimony will show that it has been introduced upon 20,000 mowing-machines, and has increased the value of said machines not less than three dollars each. It is evident, therefore, that the public have been greatly benefited by the use of this invention; while the fact that C. D. invested his entire time and means and finally lost his life in the prosecution of his invention is respectfully submitted as proof that he has not been adequately remunerated for his time, ingenuity, and expense bestowed upon this invention and the introduction thereof into use.

A. B., *Executrix.*

## 46. OATH BY AN APPLICANT FOR EXTENSION (PATENTEE).

STATE OF M., County of N., ss:

A. B., the above-named applicant, being duly sworn (or affirmed), deposes and says that the foregoing statement and account by him signed are correct and true to the best of his knowledge and belief.

A. B.

Sworn to and subscribed before me at L., in said county, this 1st day of November, A. D. 1868.

C. D.,  
[Official title.]

## 47. OATH BY AN APPLICANT FOR AN EXTENSION (EXECUTOR).

STATE OF M., County of N., ss:

A. B., executor of the last will and testament of C. D., deceased, being duly sworn [or affirmed], deposes and says that the foregoing statement and account by him subscribed are correct and true, to the best of his information, knowledge, and belief.

A. B., *Executor, &c.*

Sworn to and subscribed before me at L., in said county, this 20th day of May, 1869.

C. D.,  
[Official title.]



#### 48. REASONS OF OPPOSITION TO AN EXTENSION (BY INDIVIDUALS).

In the matter of the application of A. B. for an extension of letters patent for improvements in sewing-machines, No. 12,213, dated May 15, 1855.

*To the Commissioner of Patents:*

We wish to oppose the application above referred to, for the following reasons, viz :

1. Applicant was not the original and first inventor of the improvement claimed by him in said letters patent, the same having been fully described in the English patent No. 27 of the year 1853.

2. If said alleged invention was ever made by applicant, which we deny, it is not useful.

3. Said invention is not valuable nor important to the public.

4. Applicant has been adequately remunerated for his time, ingenuity, and expense in originating and perfecting his alleged invention.

5. Applicant has not used due diligence in introducing his alleged invention into general use.

6. Applicant has assigned to other parties all interest in the extension; and the extension, if granted, would not be for his benefit.

(See assignment to C. D., dated April 1, 1864; recorded June 2, 1864, in liber J<sup>10</sup>, page 217.)

7. The statement and account filed by applicant do not present a true statement of his receipts and expenditures.

E. F.  
G. H.  
I. K.

#### DEPOSITIONS.

#### 49. NOTICE OF TAKING TESTIMONY.

BOSTON, MASS., *March* 29, 1869.

In the matter of the interference between the application of A. B. for a paper-collar machine, and the patent No. 25,038, granted December 15, 1868, to C. D., now pending before the commissioner of patents.

SIR: You are hereby notified that on Wednesday, March 31, 1869, at the office of E. F., esq., No. 30 Court street, Boston, Mass., at nine o'clock in the forenoon, I shall proceed to take the testimony of G. H., J. K., and L. M., all of B., as witnesses in my behalf.

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

A. B.,  
By R. S., *his Attorney.*

[Place and date of signing.]



*Proof of service.*

STATE OF M., County of N., ss:

Personally appeared before me, a justice of the peace [or other officer], the above-named A. B., who, being duly sworn, deposes and says that he served the above notice upon O. P., the attorney of the said C. D., at one o'clock p. m. of the 30th day of March, 1869, by leaving a copy at his office in R., in the county of S., and State of N., in charge of his partner, R. S.

A. B.

Sworn to and subscribed before me at L., in the county of M. and State of N., this 31st day of March, 1869.

E. F.,

[Official title.]

[Service may be acknowledged by the party upon whom it is made as follows:

Service of the above notice acknowledged this 30th of March, 1869.

C. D.,

By E. F., *his Attorney.*]

### 50. FORM OF DEPOSITION.

Before the commissioner of patents, in the matter of the interference between the application of A. B. for a paper-collar machine and letters patent No. 85,038, granted December 15, 1868, to C. D.

Depositions of witnesses examined on behalf of A. B., pursuant to the annexed notice, at the office of E. F., No. 30 Court street, Boston, Mass., on Wednesday, March 31, 1869. Present, S. T., esq., on behalf of A. B., and V. W., esq., on behalf of C. D.

G. H., being duly sworn [or affirmed], doth depose and say, in answer to interrogatories proposed to him by S. T., esq., counsel for A. B., as follows, to wit:

Question 1. What is your name, age, residence, and occupation?

Answer 1. My name is G. H.; I am forty-three years of age; I am a manufacturer of paper collars, and reside at C., in the State of M.

Question 2, &c. \* \* \* \*

And in answer to cross-interrogatories proposed to him by V. W., esq., counsel for C. D., he saith:

Cross-question 1. How long have you known A. B.?

Answer 1. \* \* \* \*

G. H.

### 51. CERTIFICATE OF OFFICER.

(To follow deposition.)

STATE OF M., County of N., ss:

I, A. B., a notary public within and for the county of M., and State of N. [or other officer, as the case may be], do hereby certify that the forego-



ing deposition of O. D. was [or depositions of O. D., H. F., &c., were] taken on behalf of G. H., in pursuance of the notice hereto annexed, before me at —, in the city [or town, &c.] of K., in said county, on the — day [or days] of August, 1870; that said witness [or each of said witnesses] was by me duly sworn before the commencement of his testimony; that the testimony of said witness [or of each of said witnesses] was written out by myself [or by O. P. in my presence]; that the opposing party, X. Y., was present [or absent] during the taking said testimony; that said testimony was taken at —, and was commenced at 0 o'clock a. m. on the 21st of August, 1870, was continued pursuant to adjournment on the 22d, 23d [&c.], and was concluded on the 28th of said month; that I am not connected by blood or marriage with either of said parties, nor interested directly or indirectly in the matter in controversy.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at —, in said county, this 1st day of September, 1870.

S. T.,

[Official title.]

The magistrate will then append to the deposition the notice under which it was taken, and will seal up the testimony, and direct it to the commissioner of patents, placing upon the envelope a certificate, in substance as follows:

I hereby certify that the within deposition of G. H. [if the package contains more than one deposition give all the names], relating to the matter of interference between A. B. and O. D., was taken, sealed up, and addressed to the commissioner of patents by me this 26th day of April, A. D. 1869.

H. F.,

[Official title.]



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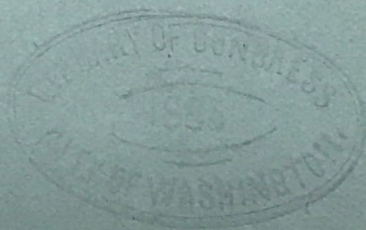
# RULES OF PRACTICE

IN THE

# UNITED STATES PATENT OFFICE.

REVISED NOVEMBER 16, 1885.

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